

INTERNATIONAL SEARCH REPORT

International Application No

PC1, JS 98/04303

A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 C07K19/00 A61K47/48 A61K31/365 A61K31/16 A61K31/57
 A61K35/28 //(A61K47/48,31:365), (A61K47/48,31:16),
 (A61K47/48,31:57), (A61K47/48,35:28)

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 C07K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 96 32137 A (KNECHTLE STUART J ;THOMAS JUDITH (US); US HEALTH (US); NEVILLE DAV) 17 October 1996 see page 10, line 8 - page 27, line 12 see page 69 - page 85; examples 10,11 ---	1,3,5,7, 9,11,13, 15,17, 19, 21-23, 25-28, 30-42
X	MA ET AL: "EXPRESSION AND CHARACTERIZATION OF A DIVALENT CHIMERIC ANTI-HUMAN CD3 SINGLE CHAIN ANTIBODY" SCANDINAVIAN JOURNAL OF IMMUNOLOGY, vol. 43, 1996, pages 134-139, XP002083387 cited in the application see the whole document --- -/-	1,3,5,7, 9,11,13, 15,17, 19, 21-23, 25-28, 30-42

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

Z document member of the same patent family

Date of the actual completion of the international search

5 November 1998

Date of mailing of the international search report

16. 02. 1999

Name and mailing address of the ISA

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	ANAND ET AL: "BACTERIAL EXPRESSION AND SECRETION OF VARIOUS SINGLE-CHAIN FV GENES ENCODING PROTEINS SPECIFIC FOR A SALMONELLA SEROTYPE B O-ANTIGEN" JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 266, no. 32, 15 November 1991, pages 21874-2879, XP002083388 cited in the application see page 21874 see abstract ---	21,22, 25,26
A	HOSAKA M ET AL: "ARG-X-LYS/ARG-ARG MOTIF AS A SIGNAL FOR PRECURSOR CLEAVAGE CATALYZED BY FURIN WITHIN THE CONSTITUTIVE SECRETORY PATHWAY" JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 266, no. 19, 5 July 1991, pages 12127-12130, XP000672721 see page 12127 see abstract ---	9
A	THOMPSON ET AL: "AN ANTI-CD3 SINGLE-CHAIN IMMUNOTOXIN WITH A TRUNCATED DIPHTHERIA TOXIN AVOIDS INHIBITION BY PRE-EXISTING ANTIBODIES IN HUMAN BLOOD" JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 270, 1995, pages 28037-28041, XP002083389 cited in the application see page 28037 see abstract ---	
A	NEVILLE ET AL: "IN VIVO T-CELL ABLATION BY A HOLO-IMMUNOTOXIN DIRECTED AT HUMAN CD3" PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES, USA, vol. 89, 1992, pages 2585-2589, XP002083390 cited in the application see page 2585 see abstract -----	

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International application No.

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Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Remark: Although claims 27, 28, 30-42 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see extra sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

see extra sheet, subject 1.

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. Claims: 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 23,
28 (all completely), 21, 22, 25-27,
30-42 (all partially)

A divalent anti-T cell immunotoxin targeting moiety comprising at least the structure constituted by two monovalent antibody chains joined by a disulphide bond at C337 of residues 228-340 within the natural IgM domain in muCH2; a divalent anti-T cell immunotoxin comprising the above targeting moiety and a toxin moiety; a method of inhibiting a rejection response by inducing tolerance in a recipient to foreign mammalian donor cells involving the use of the above immunotoxin.

2. Claims: 2,4,6, 8, 10, 12, 14, 16, 18, 20, 24,
29 (all completely), 21, 22, 25, 26, 27,
30-42 (all partially)

A divalent anti-T cell immunotoxin targeting moiety comprising at least the structure constituted by two monovalent antibody chains joined by a disulphide bond at C227 or C229, or C227 and C229, of residues 216-238 of the gamma IgG hinge region, and wherein C220 is changed to P; a divalent anti-T cell immunotoxin comprising the above targeting moiety and a toxin moiety; a method of inhibiting a rejection response by inducing tolerance in a recipient to foreign mammalian donor cells involving the use of the above immunotoxin.

3. Claims: 21, 22, 25-27, 30-42 (all partially)

An immunotoxin being a fusion protein and having a sequence of domains from the amino terminus from left to right of: toxin moiety, VL, L, VH, L, VL, L, VH; a method of inhibiting a rejection response by inducing tolerance in a recipient to foreign mammalian donor cells involving the use of the above immunotoxin.

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Information on patent family members

International Application No

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Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9632137 A	17-10-1996	AU 5663796 A	30-10-1996
		CA 2218166 A	17-10-1996
		EP 0830146 A	25-03-1998
		US 5762927 A	09-06-1998



INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification ⁶ : C07K 19/00, A61K 47/48, 31/365, 31/16, 31/57, 35/28 // (A61K 47/48, 31:305) (A61K 47/48, 31:16) (A61K 47/48, 31:57) (A61K 47/48, 35:28)	A2	(11) International Publication Number: WO 98/39363 (43) International Publication Date: 11 September 1998 (11.09.98)
(21) International Application Number: PCT/US98/04303 (22) International Filing Date: 5 March 1998 (05.03.98) (30) Priority Data: 60/039,987 5 March 1997 (05.03.97) US (71) Applicants (for all designated States except US): THE GOVERNMENT OF THE UNITED STATES OF AMERICA, as represented by THE SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES [US/US]; National Institutes of Health, Office of Technology Transfer, Suite 325, 6011 Executive Boulevard, Rockville, MD 20852-3804 (US). UNIVERSITY OF ALABAMA RESEARCH FOUNDATION [US/US]; Suite 1120-G, 701 South 20th Street, Birmingham, AL 35294-0111 (US). WISCONSIN ALUMNI RESEARCH FOUNDATION [US/US]; 614 Walnut Street, Madison, WI 53705 (US). (72) Inventors; and (75) Inventors/Applicants (for US only): NEVILLE, David, M. [US/US]; 9624 Parkwood Drive, Bethesda, MD 20814 (US). SCHARFF, Joshua, E. [US/US]; 4600 Harlan Street, Rockville, MD 20853 (US). KNECHTLE, Stuart [US/US];		2268 Caine Road, Oregon, WI 53575 (US). THOMAS, Judith, M. [US/US]; 2117 Brook Highland Ridge, Birmingham, AL 35242 (US). THOMPSON, Jerry, T. [US/US]; 103 Winchester Circle, Goose Creek, SC 29445 (US). HU, Huaizhong [CN/SG]; Blk D #05-08, 113 Clementi Road, Singapore 129793 (SG). MA, Shenglin [CN/US]; 911 16th Place South, Birmingham, AL 35205 (US). (74) Agents: SPRATT, Gwendolyn, D. et al.; Needle & Rosenberg, P.C., 127 Peachtree Street, N.E., Atlanta, GA 30303 (US). (81) Designated States: AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GE, GH, GM, GW, HU, ID, IL, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, ML, MR, NE, SN, TD, TG). Published <i>Without international search report and to be republished upon receipt of that report.</i>
(54) Title: IMMUNOTOXINS AND METHODS OF INDUCING IMMUNE TOLERANCE		
(57) Abstract <p>Provided are novel DT- and ETA-based immunotoxins and a method of treating an immune system disorder not involving T cell proliferation, comprising administering to the animal an immunotoxin comprising a mutant diphtheria toxin moiety linked to an antibody moiety which routes by the anti-CD3 pathway, or derivatives thereof under conditions such that the disorder is treated. Thus, the present method can treat graft-versus-host disease. Also provided is a method of inhibiting a rejection response by inducing immune tolerance in a recipient to a foreign mammalian donor tissue or cells, comprising the steps of: a) exposing the recipient to an immunotoxin so as to reduce the recipients' peripheral blood T-cell lymphocyte population by at least 80%, wherein the immunotoxin is anti-CD3 antibody linked to a diphtheria protein toxin, wherein the protein has a binding site mutation; and b) transplanting the donor cells into the recipient, whereby a rejection response by the recipient to the donor organ cell is inhibited, and the host is tolerized to the donor cell.</p>		

REC'D 09 JUN 1999

WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT 908-031/Ga	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US98/04303	International filing date (day/month/year) 05/03/1998	Priority date (day/month/year) 05/03/1997
International Patent Classification (IPC) or national classification and IPC C07K19/00		
Applicant THE GOVERNMENT OF THE UNITED STATES ... et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 10 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 22/09/1998	Date of completion of this report 07.06.99
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0 Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer Renggli, J Telephone No. (+49-89) 2399 7461 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US98/04303

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-124 as originally filed

Claims, No.:

1-42 as originally filed

Drawings, sheets:

1/21-21/21 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
☒ claims Nos. 2,4,6,8,10,12,14,16,18,20,22,24,26,29 (completely), 21,25,27,30-42 (partially).

because:

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- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the said claims Nos.
2,4,6,8,10,12,14,16,18,20,22,24,26,29 (completely), 21,25,27,30-42 (partially).

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	9,35,37
	No:	Claims	1,3,5,7,11,13,15,17,19,21,23,25,27,28,30-34,36,38-42
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1,3,5,7,9,11,13,15,17,19,21,23,25,27,28,30-42
Industrial applicability (IA)	Yes:	Claims	1,3,5,7,9,11,13,15,17,19,21,23,25
	No:	Claims	27,28,30-42 (?)

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

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ITEM V:

The following examination was carried out on the subject-matter of claims 1,3,5,7,9,11,13,15,17,19,23,28 (completely) and 21,25,27,30-42 (partially) for the following reasons (cf. also annex to the ISR):

The said claims are linked by a common special technical feature which is a disulfide bond linking two monovalent antibody chains at position C337 of the natural IgM domain μ CH2. This two chains form an immunotoxin targeting moiety. The said immunotoxin targeting moiety is used to form an immunotoxin useful for tolerizing recipients of foreign mammalian cells (cf. Guidelines C-III, 7.1-7.3 PCT).

Claims 22 and 26 are dependent on claim 2 and belong therefore completely to the second set of claims as it is defined in the annex of the international search report.

1. Reference is made to the following documents:

D1 WO-A-96 32137

D2 Scand. J. Immunol., 1996, 43, 134-139

D3 J. Biol. Chem., 1991, 266, 12127-12130

2. Industrial applicability:

The searched subject-matter of claims 1,3,5,7,9,11,13,15,17,21,23,25 is susceptible of industrial application.

The subject-matter of claim 27-28 and 30-42 concerns methods of therapy of a recipient. For the assessment of the present claim on the question whether it is industrially applicable, no unified criteria exist in the PCT. The patentability can also be dependent upon the formulation of the claim. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

3. Novelty:

D1 anticipates the subject-matter of claims 1,3,5,7,11,13,15,17,19,21,23,25,27,28,30-34,36,38-42 for the following reasons (Art. 33(2) PCT):

A monovalent or divalent DT-based immunotoxin routing by the anti-CD3 pathway is disclosed (cf. D1, page 10, lines 8-24). The toxin moiety which can be coupled via various cross-linking reagents (cf. D1, page 12, line 14-page 13, line 10; page 29, lines 5-19) can be a mutant having less systemic toxicity, e.g. CRM9 (cf. D1, page 10, line 26-page 11, line 28) or a truncated mutant, e.g. DT390 (cf. D1, page 13, lines 11-23). The immunotoxins of D1 are suitable for the manufacture of pharmaceutical compositions (c. D1, page 16, lines 1-11). D1 describes also methods for inducing immune tolerance or treating GVHD, autoimmune diseases, lymphomas, leukemia and AIDS (cf. D1, page 18, line 6-page 27, line 15 and pages 42-50, examples 7-8). D1 discloses a divalent chimeric anti-human CD3 antibody consisting of the variable chain binding domains of UCHT1 and of human IgM constant CH2-CH4 regions. The variable regions are linked by a (Gly₄Ser)₃ segment. The chimeric antibody was expressed in divalent form in COS-7 cells. The two chains are linked by the residue cysteines located in position 337 (cf. D1, page 69, line 1 - page 79, line 8). Therefore, D1 provides divalent immunotoxin targeting moieties as well as divalent immunotoxins (cf. D1, page 81, line 26-page 85, line 6 and figures 4, 9, 11-15) and methods thereof having all the features of the above listed claims.

Document D2 discloses a divalent chimeric anti-human CD3 antibody. The influence of the said antibody on T cell proliferation and cytokine's production is studied. The chimeric antibody of D2 is made of the murine variable regions from antibody UCHT1 and of the human constant IgM regions CH2-CH4 (cf. D2, abstract). The monovalent chains of the antibody are linked via cysteine residues located at position 337 of the said IgM constant regions (cf. D2, page 138, discussion). The aim of D2 is to provide a less immuno-reactive alternative to the existing mouse anti-human CD 3 antibodies used as immunosuppressant e.g. in organ transplantation (cf. D2, introduction). D2 is therefore prejudicial to the novelty of claims 1, 3, 27-28 and 30-33 of the present application (Art. 33(2) PCT).

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EXAMINATION REPORT - SEPARATE SHEET**

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4. Inventive step:

a) D1 is considered as the closest prior art document.

The subject-matter of claims 9, 35 and 37 is new over D1. D1 does not disclose an immunotoxin containing a furin proteolytic cleavage site and no reference is made in D1 to an immunosuppressant specific for IL-12-induced induction of interferon- γ or to deoxyspergualin.

The objective problem solved by claims 9, 35 and 37 can be seen as providing alternatives to the immunotoxin or methods of D1.

The solutions proposed in claim 9 is the use of a furin specific linker. The specificity of furin being known (cf. D3), this solution represents a trivial choice for the skilled person. Claim 9 is therefore not inventive within the meaning of Article 33(3) PCT.

The selection of an IL-12 specific immunosuppressant or of deoxyspergualin is merely the result of a non-inventive selection process. Indeed, the applicant has presented all the immunosuppressants as being equivalent, cf. description of the present application, page 28, line 28-page 33, line 9. Claims 35 and 37 do therefore not satisfy the requirements of Article 33 (3) PCT.

b) If the applicant wishes to overcome the novelty objections raised above, he should adapt the wording of claim 1. At present, the scope of the claim is directed to any immunoglobulin chain containing a μ CH2 portion. However, the attention of the applicant is drawn to the fact that carrying out minor variations (shortening of the constant region of the immunotoxin) to known compounds to arrive at alternatives having the same activity is a trivial task for the person skilled in the art and so does not involve an inventive step.

The applicant would have to precisely identify the unexpected technical effect and to correctly limit the claims to the compounds having the distinguishing features responsible therefor.

General statements to support inventive step could not be accepted at face value, but would have to be supported by evidence or facts. The presence of the effect would

have to be shown by experimental data comparing the claimed compounds with the compounds of the closest state of the art D1. The decisive effect would have to be exhibited over the whole of the claimed range.

Thus, should the applicant wish to establish the presence of an inventive step, he would be requested to present evidence for the presence of a special effect to be related to a particular structure. Care has to be taken not to contravene the requirements of Rule 13 PCT for unity of invention, i.e. any group of substituents would have to solve the same technical problem and result in the same unexpected technical effect.

ITEM VII:

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.
2. The vague statements in the description on page 89, lines 4-5 and page 113, lines 29-30 ("...the scope of...") and on page 18, lines 11-12 and page 113, lines 17-23 ("...incorporated by reference...") implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them (see also the PCT Guidelines, C-III, 4.3a and C-II, 4.17).
3. The following prior art document is not correctly identified: application number, page 18, line 11, cf. Guidelines C-II, 4.17 PCT.

ITEM VIII:

1. The present application discloses immunotoxins which specifically target T cell via the CD3 complex. Anti-CD5 immunotoxins are also disclosed (cf. description of the present application, pages 43 and 53). The results of tumour regression obtained demonstrate that not all T cell specific targeting moieties tested behave in the same way. Indeed, a significant success was only obtained with the CD3 specific moiety. Therefore, at present, claim 1 is insufficiently disclosed since all T

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cell specific targeting moieties are claimed. This places an undue burden on the skilled person who would have to exercise inventive skills to define which T cell specific marker can be used in the formulation of an efficient immunotoxin. Claim 1 contravenes therefore the requirements of Article 5 PCT.

2. The subject-matter of claim 27 is not sufficiently disclosed and not fully supported by the description of the present application. The immunotoxins disclosed in the present application are anti-CD3 antibodies linked to DT or ETA toxins (cf. page 6, lines 9-26). It appears therefore that the broad formulation used in claim 27 has no basis whatsoever in the description. Claim 27 contravenes therefore the requirements of Articles 5 and 6 PCT.
3. It is not clear from which IgG sub-classe(s) the γ CH3 region of claim 3 is isolated (Art. 6 PCT). The said region mediates the interaction between the various Fc receptors located on various cell types and the immunotoxin. In that respect, a different *in vivo* behaviour would be observed if IgG1/G3 or IgG2/G4 γ CH3 regions are used because the latter regions do not bind with the same affinity to the various type of Fc receptors as the former.
4. The location of the residue C337 is not clear (Art. 6 PCT). In claim 1, the said residue is apparently in the constant region μ CH2. On page 81, lines 19-28 of the description, this residue is "likely situated between the CH2 and CH3 region" of IgM.
5. It is not clear where in the description of the present application support is provided for the following features of claims 3 and 9 (Art. 6 PCT):
Claim 3: residues 344-446 of the region μ CH3
Claim 9: entirety
6. There are inconsistencies between claims 1, 15, 21, 25 and 28 (Art. 6 PCT).
Claim 15 describes cysteine residues from the regions μ CH3, μ CH4 and γ CH3. These regions are not unambiguously disclosed in claim 1 and therefore, there is an inconsistency between claims 1 and 15.
Claims 21 and 25 describe a series of immunotoxins. The immunotoxins of the said list which do not contain a μ CH2 domain have no antecedent in claim 1.

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Claim 28 makes reference to the immunotoxin of claim 1. However, claim 1 does not mention an immunotoxin but an immunotoxin targeting moiety.

7. Claims 5, 13, 17 and 35 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The claims attempt to define the subject-matter in terms of the result to be achieved which merely amounts to a statement of the underlying problem:
Claim 5: "...wherein the orientation...under reducing conditions."
Claim 13: "...wherein the single cysteine ...with the targeting moiety."
Claim 17: "...wherein the toxin moiety..compared to wild type toxin."
Claim 35: "...wherein the immunosuppressant...of interferon- γ ."
The technical features necessary for achieving these results should be present in the said claims (cf. Guidelines C-III 4.7 PCT).
8. Claim 13, in relation with claim 11, is not clear: it is not clear on which part of the immunotoxin complex the "single cysteine" of claim 13 is located (Art. 6 PCT).
9. The wording "at least" used in claim 17 is vague and unclear and leaves the reader in doubt as to the extent of the reduction claimed, thereby rendering the definition of the subject-matter of said claim unclear (Article 6 PCT).

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

SPRATT, Gwendolyn, D.
Needle & Rosenberg, P.C.
127 Peachtree Street, N.E.
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ÉTATS-UNIS D'AMÉRIQUEDate of mailing (day/month/year)
25 February 1999 (25.02.99)Applicant's or agent's file reference
14014.0287/PInternational application No.
PCT/US98/04303

IMPORTANT NOTIFICATION

International filing date (day/month/year)
05 March 1998 (05.03.98)

1. The following indications appeared on record concerning:

☒ the applicant ☒ the inventor ☐ the agent ☐ the common representative

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2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person ☐ the name ☐ the address ☐ the nationality ☐ the residence

Name and Address

State of Nationality

State of Residence

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

Deleted from the international application.

4. A copy of this notification has been sent to:

☒ the receiving Office ☐ the designated Offices concerned
☐ the International Searching Authority ☒ the elected Offices concerned
☒ the International Preliminary Examining Authority ☐ other:The International Bureau of WIPO
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1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Marie-José Devillard

Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark
Office
(Box PCT)
Crystal Plaza 2
Washington, DC 20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 12 October 1998 (12.10.98)	
International application No. PCT/US98/04303	Applicant's or agent's file reference 14014.0287/P
International filing date (day/month/year) 05 March 1998 (05.03.98)	Priority date (day/month/year) 05 March 1997 (05.03.97)
Applicant NEVILLE, David, M. et al	

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

22 September 1998 (22.09.98)

in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Marie-José Devillard

Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

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From the INTERNATIONAL BUREAU

To:

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Crystal Plaza 2
Washington, DC 20231
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in its capacity as elected Office

Date of mailing (day/month/year) 12-October 1998 (12.10.98)	
International application No. PCT/US98/04303	Applicant's or agent's file reference 14014.0287/P
International filing date (day/month/year) 05 March 1998 (05.03.98)	Priority date (day/month/year) 05 March 1997 (05.03.97)
Applicant NEVILLE, David, M. et al	

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

22 September 1998 (22.09.98)



in a notice effecting later election filed with the International Bureau on:

2. The election



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The International Bureau of WIPO
34, chemin des Colombettes
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Facsimile No.: (41-22) 740.14.35

Authorized officer

Marie-José Devillard

Telephone No.: (41-22) 338.83.38

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 14014.0287/P	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 98/ 04303	International filing date (day/month/year) 05/03/1998	(Earliest) Priority Date (day/month/year) 05/03/1997
Applicant THE GOVERNMENT OF THE UNITED STATES ... et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. ☒ Certain claims were found unsearchable (see Box I).
2. ☒ Unity of invention is lacking (see Box II).
3. ☒ The international application contains disclosure of a **nucleotide and/or amino acid sequence listing** and the international search was carried out on the basis of the sequence listing

☒ filed with the international application.

☐ furnished by the applicant separately from the international application,

☐ but not accompanied by a statement to the effect that it did not include matter going beyond the disclosure in the international application as filed.

☐ Transcribed by this Authority

4. With regard to the title, ☐ the text is approved as submitted by the applicant.
☒ the text has been established by this Authority to read as follows:

IMMUNOTOXINS AND METHODS OF INDUCING IMMUNE TOLERANCE

5. With regard to the abstract,
- ☒ the text is approved as submitted by the applicant.
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this International Search Report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is:

Figure No. _____ ☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 98/ 04303

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Remark: Although claims 27, 28, 30-42 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see extra sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

see extra sheet, subject 1.

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. Claims: 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 23, 28 (all completely), 21, 22, 25-27, 30-42 (all partially)

A divalent anti-T cell immunotoxin targeting moiety comprising at least the structure constituted by two monovalent antibody chains joined by a disulphide bond at C337 of residues 228-340 within the natural IgM domain in muCH2; a divalent anti-T cell immunotoxin comprising the above targeting moiety and a toxin moiety; a method of inhibiting a rejection response by inducing tolerance in a recipient to foreign mammalian donor cells involving the use of the above immunotoxin.

2. Claims: 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 24, 29 (all completely), 21, 22, 25, 26, 27, 30-42 (all partially)

A divalent anti-T cell immunotoxin targeting moiety comprising at least the structure constituted by two monovalent antibody chains joined by a disulphide bond at C227 or C229, or C227 and C229, of residues 216-238 of the gamma IgG hinge region, and wherein C220 is changed to P; a divalent anti-T cell immunotoxin comprising the above targeting moiety and a toxin moiety; a method of inhibiting a rejection response by inducing tolerance in a recipient to foreign mammalian donor cells involving the use of the above immunotoxin.

3. Claims: 21, 22, 25-27, 30-42 (all partially)

An immunotoxin being a fusion protein and having a sequence of domains from the amino terminus from left to right of: toxin moiety, VL, L, VH, L, VL, L, VH; a method of inhibiting a rejection response by inducing tolerance in a recipient to foreign mammalian donor cells involving the use of the above immunotoxin.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 98/04303

A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 C07K19/00 A61K47/48 A61K31/365 A61K31/16 A61K31/57
 A61K35/28 //(A61K47/48,31:365), (A61K47/48,31:16),
 (A61K47/48,31:57), (A61K47/48,35:28)

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 C07K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 96 32137 A (KNECHTLE STUART J ;THOMAS JUDITH (US); US HEALTH (US); NEVILLE DAV) 17 October 1996 see page 10, line 8 - page 27, line 12 see page 69 - page 85; examples 10,11 ---	1,3,5,7, 9,11,13, 15,17, 19, 21-23, 25-28, 30-42
X	MA ET AL: "EXPRESSION AND CHARACTERIZATION OF A DIVALENT CHIMERIC ANTI-HUMAN CD3 SINGLE CHAIN ANTIBODY" SCANDINAVIAN JOURNAL OF IMMUNOLOGY, vol. 43, 1996, pages 134-139, XP002083387 cited in the application see the whole document ---	1,3,5,7, 9,11,13, 15,17, 19, 21-23, 25-28, 30-42

-/--

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents :

A document defining the general state of the art which is not considered to be of particular relevance

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P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

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Date of the actual completion of the international search

5 November 1998

Date of mailing of the international search report

16. 02. 1999

Name and mailing address of the ISA

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SITCH, D

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 98/04303

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	ANAND ET AL: "BACTERIAL EXPRESSION AND SECRETION OF VARIOUS SINGLE-CHAIN FV GENES ENCODING PROTEINS SPECIFIC FOR A SALMONELLA SEROTYPE B O-ANTIGEN" JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 266, no. 32, 15 November 1991, pages 21874-2879, XP002083388 cited in the application see page 21874 see abstract	21,22, 25,26
A	--- HOSAKA M ET AL: "ARG-X-LYS/ARG-ARG MOTIF AS A SIGNAL FOR PRECURSOR CLEAVAGE CATALYZED BY FURIN WITHIN THE CONSTITUTIVE SECRETORY PATHWAY" JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 266, no. 19, 5 July 1991, pages 12127-12130, XP000672721 see page 12127 see abstract	9
A	--- THOMPSON ET AL: "AN ANTI-CD3 SINGLE-CHAIN IMMUNOTOXIN WITH A TRUNCATED DIPHTHERIA TOXIN AVOIDS INHIBITION BY PRE-EXISTING ANTIBODIES IN HUMAN BLOOD" JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 270, 1995, pages 28037-28041, XP002083389 cited in the application see page 28037 see abstract	
A	--- NEVILLE ET AL: "IN VIVO T-CELL ABLATION BY A HOLO-IMMUNOTOXIN DIRECTED AT HUMAN CD3" PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES, USA, vol. 89, 1992, pages 2585-2589, XP002083390 cited in the application see page 2585 see abstract -----	

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 98/04303

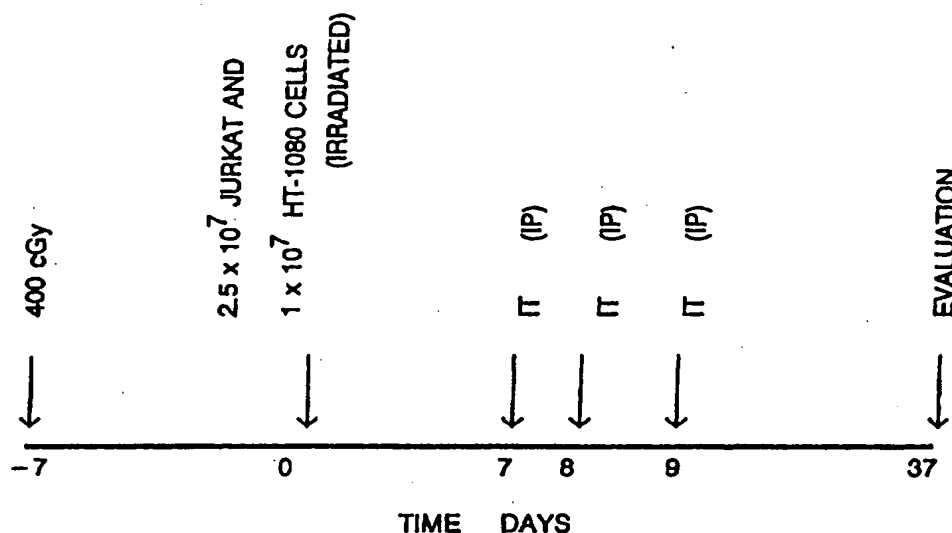
Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9632137 A	17-10-1996	AU 5663796 A	30-10-1996
		CA 2218166 A	17-10-1996
		EP 0830146 A	25-03-1998
		US 5762927 A	09-06-1998



INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

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			(43) International Publication Date: 17 October 1996 (17.10.96)
(21) International Application Number: PCT/US96/05087		(71)(72) Applicant and Inventor: KNECHTLE, Stuart, J. [US/US]; 2268 Caine Road, Oregon, WI 53575 (US).	
(22) International Filing Date: 12 April 1996 (12.04.96)		(72) Inventors; and	
(30) Priority Data:		(75) Inventors/Applicants (for US only): NEVILLE, David, A. [US/US]; 9624 Parkwood Drive, Bethesda, MD 20814 (US). SCHARFF, Joshua, E. [US/US]; 4600 Harlan Street, Rockville, MD 20853 (US). THOMAS, Judith [US/US]; 2117 Brook Highland Ridge, Birmingham, AL 35242 (US).	
08/422,100 14 April 1995 (14.04.95) US			
60/088,104 30 October 1995 (30.10.95) US			
(60) Parent Applications or Grants		(74) Agents: NEEDLE, William, H. et al.; Needle & Rosenberg, Suite 1200, 127 Peachtree Street, N.E., Atlanta, GA 30303-1811 (US).	
(63) Related by Continuation			
US 08/422,100 (CIP)			
Filed on 14 April 1995 (14.04.95)			
US 60/088,104 (CIP)			
Filed on 30 October 1995 (30.10.95)			
(71) Applicants (for all designated States except US): THE GOVERNMENT OF THE UNITED STATES OF AMERICA, represented by THE SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES [US/US]; National Institutes of Health, Office of Technology Transfer, Box OTT, Bethesda, MD 20892-9902 (US). UNIVERSITY OF ALABAMA RESEARCH FOUNDATION [US/US]; Suite 1120-G, 701 South 20th Street, Birmingham, AL 35294-0111 (US).		(81) Designated States: AL, AM, AT, AU, AZ, BB, BG, BR, BY, CA, CH, CN, CZ, DE, DK, EE, ES, FI, GB, GE, HU, IS, JP, KE, KG, KP, KR, KZ, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, TJ, TM, TR, TT, UA, UG, US, UZ, VN, ARIPO patent (KE, LS, MW, SD, SZ, UG), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, ML, MR, NE, SN, TD, TG).	
		Published Without international search report and to be republished upon receipt of that report.	

(54) Title: METHODS OF INDUCING IMMUNE TOLERANCE USING IMMUNOTOXINS



(57) Abstract

Provided is a method of treating an immune system disorder not involving T-cell proliferation, comprising administering to the animal an immunotoxin comprising a mutant diphtheria toxin moiety linked to an antibody moiety which routes by the anti-CD3 pathway, or derivatives thereof under conditions such that the disorder is treated. Thus, the present method can treat graft-versus-host disease. Also provided is a method of inhibiting a rejection response by inducing immune tolerance in a recipient to a foreign mammalian donor tissue or cells, comprising the steps of: a) exposing the recipient to an immunotoxin so as to reduce the recipients' peripheral blood T-cell lymphocyte population by at least 80 %, wherein the immunotoxin is anti-CD3 antibody linked to a diphtheria protein toxin, wherein the protein has a binding site mutation; and b) transplanting the donor cells into the recipient, whereby a rejection response by the recipient to the donor organ cell is inhibited, and the host is tolerized to the donor cell.

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METHODS OF INDUCING IMMUNE TOLERANCE USING IMMUNOTOXINS

BACKGROUND OF THE INVENTION

5 Field of The Invention

This invention generally relates to an immunotoxin and to techniques for inducing immunological tolerance in primates. It appears to be especially well suited to provide a method for inhibiting rejection of transplanted
10 organs. The invention further relates to a method of treating T cell leukemias or lymphomas, graft-versus-host diseases, and autoimmune diseases by administering an immunotoxin.

15 Background Art

The number of organ transplants performed in the United States is approximately 19,000 annually and consists predominantly of kidney transplants (11,000), liver transplants (3,600), heart transplants (2,300), and
20 smaller numbers of pancreas, lung, heart-lung, and intestinal transplants. Since 1989 when the United Network for Organ Sharing began keeping national statistics, approximately 190,000 organ transplants have been performed in the United States. A large but
25 difficult to ascertain number of transplants were performed in the United States prior to 1989 and a similarly large number of transplants are performed in Europe and Australia and a smaller number in Asia.

30 Transplant tolerance remains an elusive goal for patients and physicians whose ideal would be to see a

- 2 -

successful, allogeneic organ transplant performed without the need for indefinite, non-specific maintenance immunosuppressive drugs and their attendant side effects. Over the past 10 years the majority of these patients have
5 been treated with cyclosporin, azathioprine, and prednisone with a variety of other immunosuppressive agents being used as well for either induction or maintenance immunosuppression. The average annual cost of maintenance immunosuppressive therapy in the United States
10 is approximately \$10,000. While the efficacy of these agents in preventing rejection is good, the side effects of immunosuppressive therapy are considerable because the unresponsiveness which they induce is nonspecific. For example, recipients can become very susceptible to
15 infection. A major goal in transplant immunobiology is the development of specific immunologic tolerance to organ transplants with the potential of freeing patients from the side effects of continuous pharmacologic immunosuppression and its attendant complications and
20 costs.

Anti-T cell therapy (anti-lymphocyte globulin) has been used in rodents in conjunction with thymic injection of donor cells (Posselt et al. *Science* 1990; 249: 1293-
25 1295 and Remuzzi et al. *Lancet* 1991; 337: 750-752). Thymic tolerance has proved successful in rodent models and involves the exposure of the recipient thymus gland to donor alloantigen prior to an organ allograft from the same donor. However, thymic tolerance has never been

- 3 -

demonstrated in large animals, and its relevance to tolerance in humans is unknown.

One approach to try to achieve such immunosuppression has been to expose the recipient to cells from the donor prior to the transplant, with the hope of inducing tolerance to a later transplant. This approach has involved placement of donor cells (e.g. bone marrow) presenting MHC Class I antigens in the recipient's thymus shortly after application of anti-lymphocyte serum (ALS) or radiation. However, this approach has proved difficult to adapt to live primates (e.g. monkeys; humans). ALS and/or radiation render the host susceptible to disease or side-effects and/or are insufficiently effective.

15

If a reliable, safe approach to specific immunologic tolerance could be developed, this would be of tremendous value and appeal to patients and transplant physicians throughout the world with immediate application to new organ transplants and with potential application to transplant recipients with stable function. Thus, a highly specific immunosuppression is desired. Furthermore, there is a need for a means for imparting tolerance in primates, without the adverse attributes of using ALS or radiation. Moreover, the goal is to achieve more than simply delaying the rejection response. Rather, an important goal is to inhibit the rejection response to the point that rejection is not a factor in reducing average life span.

30

- 4 -

The present invention meets this need by providing a method of inducing immune tolerance.

5

SUMMARY OF THE INVENTION

It is an object of this invention to provide an immunotoxin for treating immune system disorders.

10 It is a further object of the invention to provide a method of treating an immune system disorder not involving T cell proliferation, comprising administering to the animal an immunotoxin comprising a mutant diphtheria toxin moiety linked to an antibody moiety which routes by the
15 anti-CD3 pathway, or derivatives thereof under conditions such that the disorder is treated. Thus, the present method can treat graft-versus-host disease.

It is a further object of the invention to provide a
20 method of inducing immune tolerance. Thus, the invention provides a method of inhibiting a rejection response by inducing immune tolerance in a recipient to a foreign mammalian donor tissue or cells, comprising the steps of:
a) exposing the recipient to an immunotoxin so as to
25 reduce the recipients's peripheral blood T-cell lymphocyte population by at least 80%, wherein the immunotoxin is anti-CD3 antibody linked to a diphtheria protein toxin, wherein the protein has a binding site mutation; and b)
transplanting the donor cells into the recipient, whereby
30 a rejection response by the recipient to the donor organ

- 5 -

cell is inhibited, and the host is tolerized to the donor cell.

The objects of the invention therefore include
5 providing methods of the above kind for inducing tolerance to transplanted organs or cells from those organs. This and still other objects and advantages of the present invention will be apparent from the description which follows.

10

BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 shows nude mice bg/nu/xid maintained in a semi-sterile environment are preconditioned with 400 cGy
15 whole body ^{137}CS γ radiation on day -7. On day 0, 2.5×10^7 Jurkat cells (human T cell leukemia CD3+, CD4+, CD5+) are injected subcutaneously with 1×10^7 HT-1080 feeder cells (human sarcoma) which have received 6000 cGy. Jurkat cells were passaged every other week in mice as
20 subcutaneous tumors and dissociated by collagenase/dispase prior to inoculation. This cell population exhibits a 40% inhibition of protein synthesis after 5 hours exposure to 10^{11}M anti-CD3-DT. Clones isolated from this population by infinite dilution exhibit varying sensitivity to anti-CD3-
25 DT (4 less sensitive, 3 more sensitive) corresponding to a 1.5 log variation in dose response curves. Immunotoxin treatment is given by intraperitoneal injection starting on day 7 when the tumor is visibly established. Evaluation takes place on day 37.

30

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Figure 2 shows that the epitopes involved in human serum's inhibition of toxicity lie in the last 150 amino acids of DT. A schematic diagram of the DT mutants CRM9, CRM197 and MSPA5 is presented (A). The A- and B-subfragments and their relative size and position are shown. The filled circle represents a point mutation as described in the text. Goat (B) or human (C) serum (human serum was a pool from all samples with positive ELISA for anti-DT antibodies) was incubated with increasing molar concentrations of CRM197 (-O-), MSPA5 (-X-) or the B-subfragment (-Δ-) of DT for 30 minutes at room temperature. To this reaction, UCHT1-CRM9 was added to a final concentration of 1×10^{-10} M. This mixture was then diluted 10-fold onto Jurkat cells in a protein synthesis inhibition assay as described in the Materials and Methods. Immunotoxin incubated with medium only inhibited protein synthesis to 4% of controls. The results are representative of two independent assays.

Figure 3 shows that sFv-DT390 maintains specificity for the CD3 complex but is 16-fold less toxic than UCHT1-CRM9 to Jurkat cells. A) Increasing concentrations of sFv-DT390 (-Δ-) or UCHT1-CRM9 (-O-) were tested in protein synthesis inhibition assays as described in the Materials and Methods. The results are an average of four separate experiments. B) Increasing concentrations of UCHT1 antibody were mixed with a 1×10^{-10} M UCHT1-CRM9 (-O-) or 3.3×10^{-10} M sFv-DT390 (-Δ-) and then added to cells for a protein synthesis inhibition assay.

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Figure 4 shows the schematic flow sheet for generation of the single chain antibody scUCHT1 gene construct. PCR: polymerase chain reaction; L: linker; SP: signal peptide. P1 to P6, SP1, and SP2 are primers used in PCR, and listed in table 1.

Figure 5 shows the western blotting analysis of the single chain antibody scUCHT1. scUCHT1 was immunoprecipitated, and separated on 4-20% SDS/PAGE gradient gel. After transferring to Problott™ membrane, scUCHT1 was visualized by an anti-human IgM antibody labeled with phosphatase. scUCHT1 secreted was mainly a dimeric form. Lane 1-3 representing electrophoresis under reducing conditions, and 4-6 non-reducing conditions. Lane 1 and 6 are human IgM; lane 1: IgM heavy chain. The light chain is not visible, because the anti-IgM antibody is directed at the heavy chain; lane 6: IgM pentamer is shown as indicated by the arrow. Lane 2 and 4 scUCHT1 from COS-7 cells; 3 and 5 scUCHT1 from SP2/0 cells.

Figure 6 shows that scUCHT1 had the same specificity and affinity as its parental antibody UCHT1. In the competition assay, ¹²⁵I-UCHT1 was used as tracer in binding Jurkat cells. scUCHT1 from COS-7 (□) and SP2/0 cells (Δ), or unlabeled UCHT1 (○) with indicated concentrations were included as competitor. Results were expressed as a percentage of the ¹²⁵I-UCHT1 bound to cells in the absence of competitors.

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Figure 7 shows that scUCHT1 did not induce human T cell proliferation response. scUCHT1 from COS-7 (Δ) and SP2/0 (\circ) cells and UCHT1 (\square) were added to human PBMCs at indicated concentrations and T cell proliferation was assayed by [3H]thymidine incorporation. UCHT1 induced a vigorous proliferation response. On the contrary, scUCHT1 had little effect at any doses.

Figure 8a shows that UCHT1 and scUCHT1 had little effect on TNF- α secretion, and. scUCHT1 from both COS-7 (Δ) and SP2/0 (\circ) cells and UCHT1 (\square) were added to cultures of human blood mononuclear cells. Culture supernatant was harvested and used for ELISA determination of TNF- α and IFN- γ as described in materials and methods.

15

Figure 8b shows that UCHT1 and scUCHT1 inhibited the basal production of IFN- γ . scUCHT1 from both COS-7 (Δ) and SP2/0 (\circ) cells and UCHT1 (\square) were added to cultures of human blood mononuclear cells. Culture supernatant was harvested and used for ELISA determination of TNF- α and IFN- γ as described in materials and methods.

20

Figure 9 is a western blot showing the secreted scUCHT1 immunotoxin.

25

Figure 10 shows a PCR amplification scheme.

Figure 11 shows one clone expressing the divalent immunotoxin fusion protein shown in Figure 13.

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Figure 12 shows another clone expressing a divalent immunotoxin fusion protein shown in Fig. 14.

Figure 13 is a schematic of a divalent fusion
5 immunotoxin.

Figure 14 is a schematic of a divalent fusion immunotoxin.

10 Figure 15 is a schematic of a divalent fusion immunotoxin.

Figure 16 shows the cloning scheme used to obtain scUCHT1 fusion protein with DTM1 and DT 483.

15

Figure 17 shows the cloning scheme used to obtain scUCHT1 fusion protein with DT 390.

20 Figure 18 shows the cloning scheme used to obtain scUCHT1 fusion protein with DT 370.

Figure 19a shows CD3+ cell depletion and recovery in peripheral blood following immunotoxin treatment. Days
25 refer to days after the first dose of immunotoxin.

Figure 19b shows CD3+ cell depletion in lymph nodes following immunotoxin treatment.

30

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DETAILED DESCRIPTION OF THE INVENTION

The invention provides immunotoxins and methods of using them to induce immune tolerance and to treat
5 disease.

Immunotoxin.

The present invention relates to an immunotoxin. More specifically, an immunotoxin, comprising a mutant
10 diphtheria toxin moiety linked to a single chain variable region antibody which routes by the anti-CD3 pathway is provided. The immunotoxin can be divalent. The immunotoxin can be a fusion protein produced recombinantly. The antibody moiety of the immunotoxin can
15 comprise the human CH2 and CH3 regions. These regions can be from the antibody UCHT1 so that the antibody moiety is scUCHT1, which is a single chain CD3 antibody having human CH2 and CH3 regions and mouse variable regions as shown in the figures. These are the first instances of a sc
20 anti-CD3 antibodies. Numerous DT mutant toxin moieties are described herein, for example DT390. Thus, as just one specific example the immunotoxin, the invention provides scUCHT1-DT390. Derivatives of this immunotoxin are designed and constructed as described herein.

25

The toxin moiety retains its toxic function, and membrane translocation function to the cytosol in full amounts. The loss in binding function located in the C terminus of the protein diminishes systemic toxicity by
30 reducing binding to non-target cells. Thus, the

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immunotoxin can be safely administered. The routing function normally supplied by the toxin binding function is supplied by the targeting antibody anti-CD3. The essential routing pathway is (1) localization to coated pits for endocytosis, (2) escape from lysosomal routing, and (3) return to the plasma membrane. Any antibody which can route in this manner will be effective with the toxin moiety, irrespective of the epitope to which the antibody is directed. Thus, a wide variety of cell types can in principle be targeted. When antibodies dissociate from their receptors due to changes in receptor configuration induced in certain receptors as a consequence of endosomal acidification, they enter the lysosomal pathway. This can be prevented or minimized by directing the antibody towards an ecto-domain epitope on the same receptor which is closer to the plasma membranes (Ruud, et al. (1989) *Scand. J. Immunol.* 29:299; Herz et al. (1990) *J. Biol. Chem.* 265:21355). Other DT binding site mutants can be used to form derivatives by changing amino acids in the C-terminus which can reduce the binding function as long as the translocation function is maintained. Specific examples are described in the Examples.

In another embodiment, the present invention relates to an anti-CD3-CRM9 immunotoxin or derivatives thereof. The design of successful derivatives of anti-CD3-CRM9 depend upon understanding how the unique concentration of anti-CD3-CRM9 achieves its biological effect.

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An example of a series of derivatives which is likely to be effective are antibody-CRM9 conjugates directed at unique V α and V β gene segment products of the T cell receptor. Some of these epitopes appear to be biased
5 towards specific autoimmune processes. Such conjugates should be useful in specific autoimmune diseases (Kappler et al. (1987) *Cell* 49:263; Urban et al. (1988) *Cell* 54:577).

10 Relatedly, the invention provides an anti-V β -CRM9 immunoconjugate such as anti-V β_{12} -CRM9. Also provided is an anti-V α -CRM9 immunoconjugate. Both of the conjugates can be placed in a pharmaceutically acceptable carrier for administration to a subject. Both acid-cleavable and non-
15 cleavable protein cross-linking reagents can be used in the construction of antibody-diphtheria toxin binding-site mutant conjugates like anti-CD3-CRM9 (Neville et al. (1989) *J. Biol. Chem.* 264:14653-14661); preferred are non-cleavable crosslinkers, such as bismaleimido-hexane and m-
20 maleimidobenzoyl-N-hydroxysuccinimide ester. The synthesis of acid-cleavable protein cross-linking reagents based on orthoester, acetal, and ketal functionalities has been described (Srinivasachar and Neville (1989) *Biochemistry* 28:2501-2509). The unique feature of these
25 functionalities is that their observed hydrolytic rate constants increase 10-fold for each drop in pH, a consequence of specific H₃O⁺ catalysis leading to a carbonium ion intermediate (Cordes and Bull (1974) *Chem. Rev.* 74:581-603). Moreover, these functionalities are
30 resistant to base catalysis permitting manipulation and

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storage at alkaline pH. The cross-linking reagents react with proteins via heterobifunctional groups (maleimide and N-hydroxysuccinimide ester) or homobifunctional groups (bis-maleimide). The maleimide cross-linking is
5 accomplished by prior protein thiolation with iminothiolane. Cross-linked proteins exhibit first-order dissociation under acid conditions. The $t_{1/2}$ at pH 5.5 varies between 0.1 and 130 h for a series of six different cleavable cross-linkers (Srinivasachar and Neville (1989)
10 *Biochemistry* 28:2501-2509).

The mutant diphtheria toxin moiety can be a truncated mutant, such as DT390, DT383, DT370 or other truncated mutants, as well as a full length toxin with point
15 mutations, such as DTM1, as described in Examples 9-11. scUCHT1 fusion proteins with DTM1 and DT483 (see Fig. 16), DT390 (Fig. 17) and DT370 (Fig. 18) have been cloned and expressed in *E. coli*. The antibody moiety can be scUCHT1 or other anti-CD3 antibody having the
20 characteristics set forth herein. Thus, one example of an immunotoxin for use in the present methods is UCHT1-DT390. The described immunotoxins can be used in all the methods of the invention.

25 Other examples of immunotoxins include anti-V β -CRM9 and anti-V α -CRM9. For example, the antibody-CRM9 conjugate used in any of the methods herein can be an anti-V β -CRM9 such as anti-V β_8 -CRM9. In addition, the antibody-CRM9 conjugate can be an anti-V α -CRM9. In one
30 embodiment, the anti-V β -CRM9 is anti-V β_{12} -CRM9 and the

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disease is human immunodeficiency virus disease or the Acquired Immunodeficiency Syndrome (AIDS). Other $V\alpha$ and $V\beta$ targets associated with particular autoimmune diseases exist. For example, pulmonary sarcoidosis showed
5 increased usage of the $V\beta_8$ subset in blood and lung lymphocytes (Moller et al. (1988) *J. Clin. Invest.* 82:1183-1191). In multiple sclerosis, preferential use of the $V\beta_{5,2}$ subset in brain plaque lesions has been identified and rearrangements Of $V\alpha_{2,2,7,8, \text{ and } 10}$ were also
10 prominent (Oksenberg et al. (1993) *Nature* 362:68-70).

The antibody-toxin constructs of the invention can be expected to be effective as immunotoxins, because the
15 relevant parameters are known. The following discussion of parameters is relevant to the use of the immunotoxin in tolerance induction. The relevant binding constants, number of receptors and translocation rates for humans have been determined and used. Binding values for anti-
20 CD3-CRM9 for targeted and non-targeted cells *in vitro* are described above at page 2. Rates of translocation for the anti-CD3-CRM9 conjugate to targeted and non-targeted cells *in vitro* are described in references cited at page 2 (Greenfield et al. (1987) *Science* 238:536; Johnson et al.
25 (1988) *J. Biol. Chem.* 263:1295; Johnson et al. (1989) *J. Neurosurg.* 70:240; and Neville et al. (1989) *J. Biol. Chem.* 264:14653). The rate limiting translocation rate to targeted cells *in vitro* is recited at page 5, wherein it is shown that the conjugate is translocated to about 40%
30 of the target cells present as measured by inhibition of

- 15 -

protein synthesis in about 40% of cells. Inhibition of protein synthesis is complete in cells into which the conjugate translocates.

5 Parameters determined in in vivo studies in nude mice include the following: Tumor burden is described in Example 1 as a constant mass equal to 0.1% of body weight; the receptor number and variation of receptor number are described in Example 3; "favorable therapeutic margin" is
10 defined as an in vivo target cell 3 log kill at 0.5 MLD (minimum lethal dose) comparison of efficacy with an established treatment of 0.5 MLD immunotoxin equivalent (group 1) to a radiation dose of 500-600 cGy (groups 8 and 9).

15

 The parameters determined in vitro allowed the prediction of success in the in vivo nude mouse study. The prediction of in vivo success was verified by the data in Examples 3-4. Using the target cell number from the
20 mouse study as being equivalent to the local T cell burden in a monkey or man successful T cell ablation and immunosuppression in monkeys could be predicted. This prediction has been verified by the monkey data in Examples 5 and 7-8. Using the same parameters, a
25 scientist skilled in this field can make a prediction of success in humans with confidence, because these parameters have been previously shown to have predictive success.

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In another embodiment, the present invention relates to a pharmaceutical composition comprising anti-CD3-DT mutant in an amount effective to treat T cell leukemias or lymphomas which carry the CD3 epitope, graft-versus-host
5 disease or autoimmune diseases, and a pharmaceutically acceptable diluent, carrier, or excipient. One skilled in the art will appreciate that the amounts to be administered for any particular treatment protocol can readily be determined. Suitable amounts might be expected
10 to fall within the range of 0.01 to 1.0 mg (toxin content) per kg of body weight.

Non-toxic mutant of diphtheria toxin.

15 Most human sera contain anti-DT neutralizing antibodies from childhood immunization. To compensate for this the therapeutic dose of anti-CD3-CRM9 can be appropriately raised without affecting the therapeutic margin. Alternatively, the present application provides a
20 non-toxic DT mutant reactive with neutralizing antisera (e.g., CRM197) that can be administered in conjunction with the immunotoxin.

A non-toxic mutant of diphtheria toxin for use in the
25 present methods can be DTM2 or CRM197. DTM2 and CRM197 are non-toxic mutants of DT, having a point mutation in the enzymatic chain. However, they have the full antigenic properties of DT and CRM9, and CRM197 is used for immunization (Barbour et al. 1993. *Pediatr Infect.*
30 *Dis. J.* 12:478-84). Other non-toxic DT mutants that can

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be used in the present method will share the characteristic of totally lacking A chain enzymatic activity.

5 The purpose of administering the non-toxic toxin is to bind preexisting anti-CRM9 anti-DT antibodies in a subject and compete with their effect and/or induce their removal from the circulation. This substantially avoids any host immune response to the immunotoxin that might
10 interfere with the activity of the immunotoxin. The protein synthesis inhibition assay in the presence of human serum samples or pooled human sera described in the Examples becomes an important part of the evaluation of the optimal immunotoxin for the individual patient and is
15 provide for this purpose. This assay makes routine the systematic evaluation of additional combinations of DT point mutations and caboxy terminal deletions for the purpose of minimizing blockade of immunotoxin in vivo by anti-human antitoxin.

20

 The non-toxic mutant is preferrably administered concurrently with or shortly before the immunotoxin. For example, the non-toxic DT mutant can be administered within an hour, and preferrably about 5 minutes prior to
25 the administration of immunotoxin. A range of doses of the non-toxic mutant can be administered. For example, an approximately 10 to 100 fold excess of non-toxic mutant over the CRM9 content of the immunotoxin to be administered can be administered by I.V. route.

30

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Another use of the non-toxic DT mutant in the present methods is to run recipient patient's blood through a column containing the non-toxic DT mutant to remove some or all of the patient's serum antibodies against DT.

5

Method of Inducing Immune tolerance.

One embodiment to the invention provides a method of inhibiting a rejection response by inducing immune tolerance in a recipient to a foreign mammalian donor organ cell by exposing the recipient to an immunotoxin so as to reduce the recipient's peripheral blood T-cell lymphocyte population by at least 80%, and preferably 95% or higher, wherein the immunotoxin is an anti-CD3 antibody linked to a diphtheria protein toxin, and wherein the protein has a binding site mutation. The term "donor cell" refers to a donor organ or a cell or cells of the donor organ, as distinguished from donor lymphocytes or donor bone marrow. When the donor organ or cells of the donor is transplanted into the recipient, a rejection response by the recipient to the donor organ cell is inhibited and the recipient is tolerized to the donor organ cell. Alternatively, a non-toxic DT mutant such as DTM2 or CRM197 can first be administered followed by the immunotoxin. This method can use any of the immunotoxins (e.g., anti-CD3-CRM9, scUCHT1-DT390, etc.) or non-toxic DT mutants described herein with the dosages and modes of administration as described herein or otherwise determined by the practitioner.

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As further described in the Examples, the above-described method for inducing tolerance can be augmented by additional treatment regimens. For example, the method can further include administering to the thymus gland a
5 thymic apoptosis signal before, at the same time, or after, the immunotoxin exposure step. The thymic apoptosis signal can be high dose corticosteroids (also referred to as "immunosuppressants" in this context). The thymic apoptosis signal can be lymphoid irradiation.

10

In a further example of the method of inducing tolerance, thymic injection of donor leukocytes or lymphocytes having MHC antigen of the same haplotype as the MHC of the donor cell can be administered to the
15 recipient. Thymic injection of a saline solution or a crystalloid or colloid solution to disrupt thymic integrity and increase access of immunotoxin to the thymus can also be beneficial.

20

The present tolerance induction method can also include administering an immunosuppressant compound before, at the same time, or after, the immunotoxin exposure step. The immunosuppressant compound can be cyclosporin or other cyclophylins, mycophenolate mofetil
25 (Roche), FK506 or other known immunosuppressants. The method of inducing immune tolerance can further comprise administering donor bone marrow at the same time, or after, the exposure step.

- 20 -

Any one, two, or more of these adjunct therapies can be used together in the present tolerance induction method. Thus, the invention includes at least six methods of inducing tolerance using immunotoxin (IT): (1)
5 tolerance induction by administering IT alone; (2) tolerance induction by administering IT plus other drugs that alter thymic function such as high dose corticosteroids; (3) tolerance induction by administering IT plus immunosuppressant drugs such as cyclosporin (4)
10 tolerance induction by administering IT plus other drugs that alter thymic function, plus immunosuppressant drugs; (5) tolerance induction by administering IT and bone marrow; and (6) tolerance induction by administering IT plus bone marrow, plus other drugs that alter thymic
15 function, plus immunosuppressant drugs. The adjunct therapy can be administered before, at the same time or after the administration of immunotoxin. Different adjunct therapies can be administered to the recipient at different times or at the same time in relation to the
20 transplant event or the administration of immunotoxin, as further described below.

Because the immunosuppressant can be administered before the immunotoxin and/or other treatments, the
25 present method can be used with a patient that has undergone an organ transplant and is on an immunosuppressant regimen. This presents a significant opportunity to reduce or eliminate traditional immunosuppressant therapy and its well documented negative
30 side-effects. Also, as described below, treatment with

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immunosuppressants prior to transplantation could be particularly useful in cadaveric transplants. In such a setting of pre-transplant treatment with immunosuppressant, the administration of immunotoxin can
5 be advantageously delayed for up to seven or more days post-transplantation.

An example of a schedule of immunotoxin and immunosuppressant administration for patients receiving
10 live organ transplants is as follows:

day -7 to day 0:	begin immunosuppressant treatment;
day 0	: perform transplant;
day 7	: begin immunotoxin and nontoxic DT toxin treatment;
15 day 9	: end immunotoxin treatment;
day 11	: end immunosuppressant treatment.

In another example, non-toxic DT mutant is administered seven days before the transplant and
20 immunotoxin is administered seven days after the transplant.

The immunotoxin injection can be made within a week or two prior to the donor cell treatment. If the donor
25 organ or cell from donor organ is from a live donor, the immunotoxin is preferably administered from 15 hours to 7 days before the transplanting step. If the donor organ is kidney or kidney cells and is from a cadaver, the immunotoxin is preferably administered from 6 to 15 hours
30 before the transplanting step. If the donor organ or cell

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from the donor organ is cadaveric and is selected from the group consisting of heart, lung, liver, pancreas, pancreatic islets and intestine, the immunotoxin is preferably administered from 0 to 6 hours before the
5 transplanting step. For practical reasons immunotoxin treatment and transplantation generally take place at about the same time (e.g., within 15 hours), because advanced planning for cadaveric transplants is difficult. Various schedules of apoptotic and immunosuppressant
10 therapies can be used with the above methods. In any of the above scenarios, donor bone marrow, if desired, can be administered at approximately the time of the transplant or after.

15 The preferred doses of the immunotoxin are those sufficient to deplete peripheral blood T-cell levels to 80%, preferably 90% (or especially preferably 95% or higher) of preinjection levels. This should require mg/kg levels for humans similar to those for monkeys (e.g. 0.15
20 mg/kg to 0.2 mg/kg body weight), which toxicity studies indicate should be well tolerated by humans. Thus, the immunotoxin can be administered to safely reduce the recipients T cell population.

25 **Method of Treating Graft-Versus-Host Disease.**

In another embodiment, the invention relates to a method of treating an immune system disorder not involving T cell proliferation which is amenable to T cell suppression. More specifically, a method of treating
30 graft-versus-host disease in an animal is also provided.

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It comprises administering to the animal an immunotoxin comprising a diphtheria toxin binding mutant moiety and an antibody moiety which routes by the anti-CD3 pathway, or derivatives thereof under conditions such that the graft-versus-host disease is treated, i.e., the symptoms of the graft-versus-host disease improve. Alternatively, as further described, a non-toxic DT mutant such as DTM2 or CRM197 (or mutants having combinations of the mutations in CRM9 and CRM197) can first be administered followed by the immunotoxin. This method can use any of the immunotoxins or non-toxic DT mutants described herein with the dosages and modes of administration as described herein or otherwise determined by the practitioner.

GVHD is a morbid complication of bone marrow transplantation which is often performed as anti-leukemia/lymphoma therapy. GVHD is caused by circulating donor T cells within the host which are acquired in bone marrow grafts unless specifically depleted prior to grafting (Gale and Butturini (1988) *Bone Marrow Transplant* 3:185; Devergie et al. (1990) *ibid* 5:379; Filipovich et al. (1987) *Transplantation* 44). Successful donor T cell depletion techniques have been associated with a higher frequency of graft rejection and leukemia relapses (Gale and Butturini (1988) *Bone Marrow Transplant* 3:185; Devergie et al. (1990) *ibid* 5:379; Filipovich et al. (1987) *Transplantation* 44). Therefore, the donor T cells appear to aid engraftment and to provide a graft-versus-leukemia effect as well as causing GVHD. Because the T cell burden following bone marrow transplantation is low

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for the first 14 days (<10% of normal) the log kill of donor T cells would be proportionally enhanced (Marsh and Neville (1987) *Ann. N.Y. Acad. Sci.* 507:165; Yan et al., submitted; Gale and Butturini (1988) *Bone Marrow Transplant* 3:185; Devergie et al. (1990) *ibid* 5:379; Filipovich et al. (1987) *Transplantation* 44). It is expected that donor T cells can be eliminated at set times during the early post transplantation period using the present method. In this way the useful attributes of grafted T cells might be maximized and the harmful effects minimized.

Method of Treating an Autoimmune disease.

Another embodiment of the invention provides a method of treating an autoimmune disease in an animal comprising administering to the animal an immunotoxin comprising a diphtheria toxin binding mutant moiety and an antibody moiety which routes by the anti-CD3 pathway, or derivatives thereof, under conditions such that the autoimmune disease is treated, e.g., the symptoms of the autoimmune disease improve. A further method of treating an autoimmune disease in an animal comprises administering to the animal a non-toxic mutant of diphtheria toxin followed by an antibody CRM9 conjugate which routes by the anti-CD3 pathway, or derivatives thereof, under conditions such that the autoimmune disease is treated. This method can use any of the immunotoxins or non-toxic DT mutants described herein with the dosages and modes of administration as described herein or otherwise determined by the practitioner.

- 25 -

Method of Treating T Cell Leukemias or Lymphomas.

A further embodiment of the invention provides a method of treating T cell leukemias or lymphomas which carry the CD3 epitope in an animal comprising

5 administering to the animal an immunotoxin comprising a binding site mutant of diphtheria toxin moiety and an antibody moiety which routes by the anti-CD3 pathway, or derivatives thereof, under conditions such that the T cell leukemias or lymphomas are treated. Alternatively, a

10 further embodiment is a method of treating T cell leukemias or lymphomas in an animal comprising administering to the animal a non-toxic mutant of diphtheria toxin followed by an antibody-CRM9 conjugate which routes by the anti-CD3 pathway, or derivatives

15 thereof, under conditions such that the T cell leukemias or lymphomas are treated. This method can use any of the immunotoxins or non-toxic DT mutants described herein with the dosages and modes of administration as described herein or otherwise determined by the practitioner.

20

Method of Treating Acquired Immunodeficiency Syndrome.

A method is provided for treating acquired immunodeficiency syndrome in an animal, comprising administering to the animal an immunotoxin comprising a

25 diphtheria toxin binding mutant moiety and an antibody moiety which routes by the anti-CD3 pathway, or derivatives thereof under conditions such that the acquired immunodeficiency syndrome is treated. Alternatively, a method of treating acquired

30 immunodeficiency syndrome in an animal, comprising

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administering to the animal a non-toxic mutant of diphtheria toxin followed by an antibody-CRM9 conjugate which routes by the anti-CD3 pathway or derivatives thereof under conditions such that the acquired

5 immunodeficiency syndrome is treated is provided. This method can use any of the immunotoxins or non-toxic DT mutants described herein with the dosages and modes of administration as described herein or otherwise determined by the practitioner. However, anti-V β ₁₂ is a likely

10 conjugate for use in this method.

Radiation induced T cell ablation with concomitant high dose zidovudine therapy followed by bone marrow transplantation has been reported to eradicate HIV-1

15 infection in one case (Holland et al. (1989) *Ann. Int. Med.* 111:973). Cyclophosphamide, a T cell suppressive reagent, has been shown to be beneficial in treating murine AIDS (Simard and Joliceur (1991) *Science* 251:305). Anti-CD3-CRM9 provides extensive T cell ablation without

20 the requirement of bone marrow reconstitution.

In any of the methods recited, a H1 histamine blocking agent such as Benadryl or Tavegil can be administered I.V. prior to administering the non-toxic

25 mutant to minimize any possibility of an anaphylactic reaction. No evidence of anaphylactic reaction was noted in the primate experiments described in the Examples. However, the H1 histamine blocker can be administered as a precaution with no significant disadvantage.

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The immunotoxin described here is more toxic on a weight basis than hemi-immunotoxins, but at tolerated doses exhibits an apparent log kill of targeted cells at target cell burdens encountered clinically. This
5 constitutes a favorable therapeutic margin. Most human sera contain anti-DT neutralizing antibodies from childhood immunization (Johnson et al. (1989) *J. Neurosurg.* 70:240). To compensate for this the therapeutic dose of anti-CD3-CRM9 can be appropriately
10 raised without affecting the therapeutic margin. The doses for immunotoxin and, where used, the non-toxic DT mutant are described in the Examples.

The present invention will be illustrated in further
15 detail in the following non-limiting examples.

EXAMPLE 1

Establishment of Tumors

20

The experimental design of the studies that give rise to the present invention was dictated by the goal of having an animal model as closely relevant to human in vivo tumor therapy as possible. In order to minimize the
25 host killer cell immune response, bg/nu/xid strain of nude mice were used (Kamel-Reid and Dick (1988) *Science* 242:1706). The human T cell leukemia cell line, Jurkat, was chosen because of previous studies with this line and its relatively normal average complement of CD3 receptors
30 (Preijers et al. (1988) *Scand. J. Immunol.* 27:553). The

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line was not cloned so that receptor variation among individual cells existed (Figure 1 legend). A scheme was developed whereby well established tumors of constant mass equal to 0.1% of body weight ($\approx 4 \times 10^7$ cells) could be achieved 7 days after inoculation of Jurkat cells (see Figure 1 and Dillman et al. (1988) *Cancer Res.* 15:5632). This required prior irradiation and inoculation with lethally irradiated helper feeder cells (see Figure 1 and Dillman et al. (1988) *Cancer Res.* 15:5632).

10

EXAMPLE 2

Guinea Pig Studies

Immunotoxin toxicity studies were performed in guinea pigs, an animal (like humans) with a high sensitivity to diphtheria toxin (mice are highly resistant to diphtheria toxin). Therapy of CRM9 conjugates was set at 1/2 the guinea pig minimum lethal dose. In this study, minimum lethal dose (MLD) is defined as the minimum tested dose which results in both non-survivors and survivors over a 4 week evaluation period. All animals survive when a MLD is reduced by 0.5. MLD was evaluated in guinea pigs (300-1000 g) by subcutaneous injection. The following MLDs were found and are listed as μg of toxin/kg body weight; DT, 0.15; CRM9, 30; anti-CD5-DT (cleavable), 0.65; anti-CD5-CRM9 (non-cleavable), 150. Finally, the therapeutic efficacy of the immunotoxin treatment in producing tumor regressions was compared to graded doses of whole body irradiation which resulted in similar tumor regressions.

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EXAMPLE 3

Comparison of Immunotoxins

5 Several types of immunotoxins were compared in this study. They were synthesized as previously described by thiolating both the monoclonal antibody moiety and the toxin moiety and then crosslinking the bismaleimide crosslinkers (Neville et al. (1989) *J. Biol. Chem.*
10 264:14653). Purification was performed by size exclusion HPLC columns and fractions containing 1:1 toxin:antibody mol ratios were isolated for these studies. Conjugates made with an acid-labile crosslinker bismaleimidoethoxy propane were compared with a non-cleavable,
15 bismaleimidohexane. Conjugates made with this cleavable crosslinker have been shown to hydrolyze within the acidifying endosome releasing free toxin moieties with half-times of hydrolysis measured at pH 5.5 of 36 min (Neville et al. (1989) *J. Biol. Chem.* 264:14653).

20

 The results of this study are tabulated in Table I. Non-treatment groups such as group 10, groups treated with anti-CD5 immunotoxins (groups 5 and 6), and group 4 treated with a mixture of anti-CD3 and CRM9 did not show
25 regression. The vascularized tumor nodules that weighed 20 mg on day 7 grew to between 1.5 to 7.8 g on day 37 and weighed between 7.9 and 11.6 on day 56. No late spontaneous regressions were noted. In contrast, group 1 consisting of treatment with anti-CD3-CRM9 non-cleavable
30 conjugate (NC) given at 25 μ g/kg on days 7, 8, and 9 (see

- 30 -

Figure 1 time line) showed only 1 tumor out of 6 by day 37. Some of the remaining animals were subject to autopsy and they failed to reveal residual tumor or even scarring. Tumors identified as regressed on day 37 by superficial inspection did not reappear during the course of the study (56 days).

TABLE 1. IMMUNOTOXIN AND RADIATION TREATMENT ON SUBCUTANEOUS HUMAN T CELL TUMORS (JURKAT) IN NUDE MICE

Group	Treatment	Dose (intraperitoneal)	Animals Bearing Tumors At Day 37/Group Animals	% Tumor Regressions
1	Anti-CD3-CRM9 (NC)*	25 µg/kg. x 3d	1/6	83
2	Anti-CD3-CRM9 (NC) Anti-CD5-CRM9 (C)	19 µg/kg. x 2d 19 µg/kg. x 2d	1/4	75
3	Anti-CD3-CRM9 (C)	25 µg/kg. x 3d	2/4	50
4	Anti-CD3+CRM9	25 µg/kg. x 3d	4/4	0
5	Anti-CD5-CRM9 (C)	25 µg/kg. x 3d	5/5	0
6	Anti-CD5-DT (NC)	25 µg/kg. x 1d	9/9	0
7	Yradiation ¹³⁷ Cs	400 cGy	2/2	0
8	Yradiation ¹³⁷ Cs	500 cGy	3/6	50
9	Yradiation ¹³⁷ Cs	600 cGy	0/2 ^b	100
10	None		6/6	0

*Anti-CD3 refers to the monoclonal antibody UCHT1 and was purchased from Oxoid USA, Inc. Anti-CD5 refers to the monoclonal antibody T101 and was a gift from Hybritech (San Diego). NC and C refer, respectively, to non-cleavable and cleavable conjugates.

^bThese animals were evaluated on days 10 and 13 at the time of death from radiation sickness.

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The cleavable crosslinker confers no therapeutic advantage to anti-CD3-CRM9 immunotoxins and may be less effective (group 3). Cleavable crosslinkers confer some advantage with anti-CD5-CRM9 conjugate in vitro (5) but had no effect in this in vivo system (group 5), and lacked significant potentiating effect when administered with anti-CD3-CRM9 (group 2). The cleavable crosslinker conferred a marked therapeutic advantage to anti-CD5 wild type toxin conjugates and tumor regressions were achieved. However, in these cases the guinea pig toxic dose was exceeded. A single dose on day 7 of cleavable anti-CD5-DT at 6 $\mu\text{g/kg}$ produced 8/10 tumor regressions while a cleavable conjugate made with an irrelevant antibody (OX8) produced no regressions (4/4). However, this dose exceeded the guinea pig MLD by 9 fold. A rescue strategy was tried in which the above conjugate dose was given intravenously followed by DT antitoxin 4 hours later (also intravenously). The 4 hr rescue could not raise the MLD above 0.65 $\mu\text{g/kg}$. The 1 hr rescue could not raise the MLD above 0.65 $\mu\text{g/kg}$. The 1 hr rescue raised the MLD to 36 $\mu\text{g/kg}$, however, there were no tumor regressions in 10 mice receiving 21.5 $\mu\text{g/kg}$ of the cleavable anti-CD5-DT conjugate.

In groups 7-9 increasing single doses of whole body radiation (102 cGy/min) were given to animals bearing 3x3x5 mm tumors. At 400 cGy no complete regressions occurred. At 500 cGy 50% complete tumor regressions occurred. At 600 cGy 100% regression was achieved as judged on day 10 and 13 when the animals died from

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radiation sickness. (Groups 7-9 did not receive prior radiation and tumor takes were less than 100%). It appears that the 75 $\mu\text{g/kg}$ anti-CD3-CRM9 (NC) immunotoxin is equal in therapeutic power to between 500 and 600 cGy of radiation.

EXAMPLE 4

10 Estimation of Cell Kill

The actual cell kill achieved by the radiation and the immunotoxin can be estimated by assuming radiation single hit inactivation kinetics along with a D_{37} value for the radiation. A value for D_{37} of 70-80 cGy with $n = 1.2-3$ is not unreasonable for a rapidly dividing helper T cell. D_{37} is the dose of radiation which reduces the fraction of surviving cells to $1/e$ as extrapolated from the linear portion of the log survivors vs. dose curve and n is the intercept at 0 dose (Anderson and Warner (1976) in *Adv. Immunol.*, Academic Press Inc., 24:257). At a dose of 550 cGy the fraction of surviving cells is calculated to be about 10^3 . Since a majority of tumors completely regress at this dose we estimate that both therapies are producing an approximate 3 log kill. (The remaining cells, $4 \times 10^7 \times 10^3 = 4 \times 10^4$ cells apparently cannot maintain the tumor, i.e., the *in vivo* plating efficiency is low, a fairly typical situation in the nude mouse xenograft system.) The reliability of this 3 log kill estimate has been verified by determining the tissue culture plating efficiency by

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limiting dilution of 7 day established Jurkat tumors (following dispersal) and tumors exposed 18 hours earlier *in vivo* to 600 cGy. Plating efficiencies were 0.14 and 1.4×10^4 , respectively. (Plating efficiency is the reciprocal of the minimum average number of cells per well which will grow to form one colony.

It should be emphasized that with high affinity hol-immunotoxins the cell kill is inversely proportional to the target cell number. This presumably occurs because receptors are undersaturated at tolerated doses and free conjugate concentration falls with increasing target cell burden (Marsh and Neville (1987) *Ann. N.Y. Acad. Sci.* 507:165; Yan et al. (1991) *Bioconjugate Chem.* 2:207). To put this in perspective, the tumor burden in this study is almost equal to the number of T cells in a mouse ($\approx 10^8$). It can be expected that a tolerated dose of anti-CD3-CRM9 immunotoxin can achieve an *in vivo* 3 log depletion of a normal number of CD3 positive T cells.

20

EXAMPLE 5

Cell Depletion in Rhesus Monkeys Induced by FN18-CRM9

25

FN18-CRM9 conjugate

Conjugation of anti-V β and anti-V α IgG monoclonal antibodies to CRM9 is performed by the same methods used to conjugate anti-CD3 to CRM9 using a non-cleavable linker such as bismaleimido-hexane and previously described in

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- 35 -

detail (Neville et al. (1988) *J. Biol. Chem.* 264:14653-61). The monoclonal antibody FN18 is the monkey equivalent of the human anti-CD3 (UCHT1) and is known to bind the same CD3 receptor epitopes (ϵ and γ) as bound by the human CD3 antibody and is the same isotype as the human CD3 antibody. Thus, in terms of the parameters relevant for predicting successful T cell depletion, the present CD3-CRM9 conjugate and FN18-CRM9 are expected to have the same activity.

10

Administration

Conjugates can be administered as an I.V. bolus in a carrier consisting of 0.1M Na_2SO_4 + 0.01M phosphate buffer, pH 7.4 plus 1 part in 50 of serum previously obtained from the subject. The dose schedule is every other or third day for 3 to 6 days. The total dose is preferably from 25 to 200 micrograms of toxin per kg of body weight.

20 The actual dose of FN18-CRM9 used was equal to 0.167 of the minimum lethal dose (MLD) in guinea pigs. Since the estimation of the MLD was performed in an animal lacking an immunotoxin target cell population (guinea pigs), the true MLD of FN18-CRM9 and anti-CD3-CRM9 is expected to be higher in monkeys and humans than in guinea pigs.

25

T Cell Kill

Helper T cell (CD4^+ cells) numbers in peripheral blood fell dramatically after the initial administration

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of FN18-CRM9 in two rhesus monkeys. T cell counts began to rise by day 4 (sampled just prior to the second dose of FN18-CRM9). On day 5 in monkey 8629, CD4+ cells were depressed below the limit of detection (<50 cells/mm³).
5 Cells remained below or equal to 200/mm³ out to day 21. This low level of CD4+ cells is associated with profound immunodeficiency in humans and in monkeys (Nooij and Jonker (1987) *Eur. J. Immunol.* 17:1089-1093). The remarkable feature of this study is the long duration of
10 helper T cell depletion (day 21) with respect to the last administration of immunotoxin (day 4) since intravenously administered immunotoxins were cleared from the vascular system with half-lives <9 hours (Rostain-Capaillon and Casellas (1990) *Cancer Research* 50:2909-2916), the effect
15 outlasting circulating immunotoxin. This is in contrast to T cell depletion induced by unconjugated anti-CD3 antibodies (Nooij and Jonker (1987) *Eur. J. Immunol.* 17:1089-1093).

20 In monkey 1WS the second dose of conjugate only appeared to result in a diminished rate of CD4+ cell recovery. However, CD4+ cells were still fewer than normal at day 21. The blunted response of monkey 1WS to the second dose of immunotoxin was found to be due to a
25 preexisting immunization of this animal to the toxin. Monkey 1WS had a significant pre-treatment anti-diphtheria toxin titer as revealed by a Western blot assay. This titer was markedly increased at day 5, indicative of a classic secondary response. In contrast, monkey 8629 had

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no detectable pre-treatment titer and only a trace titer by day 5 and a moderate titer by day 28.

The specificity of FN18-CRM9 toward T cells can be seen by comparing the total white blood cell (WBC) count in the same two monkeys. WBCs fell, but only to 45% of baseline value on day 2 compared to 6% of baseline values for the CD4+ T cell subset. Most of the fall in WBC values can be accounted for by the T cell component of the WBC population (=40%). However, B cells are initially depleted after FN18-CRM9 although these cells recover more quickly. FN18 is an IgG, isotype and as such is known to bind to Fc_{RII} receptors present on B cells and macrophages with low affinity. The FN18-CRM9 depletion of B cells indicates that significant interactions between the Fc portion of the FN18 antibody and B cells is taking place.

The peripheral T cell depletion induced by unconjugated FN18 at a dose known to produce immunosuppression 0.2mg/kg/day (Nooij and Jonker (1987) *Eur. J. Immunol.* 17:1089-1093) was compared to the immunotoxin FN18-CRM9 administered at 1/9th the FN18 dose. Peripheral CD4+ T cell depletion is more pronounced and more long-lasting with the conjugate. The demonstration that FN18-CRM9 reduces peripheral helper T cell subset (CD4+) to levels less than or equal to 200 cell/mm³ for a period as long as 21 days demonstrates that this immunotoxin and its anti-human analogs are effective immunosuppressive reagents.

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The demonstration that FN18-CRM9 is a potent agent for inducing T cell depletion in non-human primates demonstrates that an anti-human homolog of FN18-CRM9, UCHT1-CRM9 (Oxoid USA, Charlotte, NC) for example, is a
5 potent agent for inducing T cell depletion in humans.

The Fc binding region of anti-TCR/CD3 monoclonals may or may not be needed to induce T cell depletion when the anti-TCR/CD3 monoclonals are conjugated to CRM9. The
10 Fc_{II} binding regions can be removed, for example, by forming the conjugates with F(ab')₂ derivatives as is indicated in the literature (Thorpe et al. (1985) *J. Nat'l. Cancer Inst.* 75:151-159). In addition, anti-TCR/CD3 IgA switch variants such as monoclonal antibody
15 T3.A may be used (Ponticelli et al. (1990) *Transplantation* 50:889-892). These avoid rapid vascular clearance characteristic of F(ab')₂ immunotoxins. F(ab')₂ and IgA switch variants of anti-TCR/CD3-CRM9 immunotoxins are therefore derivative anti-TCR/CD3 immunotoxins. These
20 derivatives will avoid the B cell interaction noted and can increase specificity. However, IgG_{2a} switch variants will maximize T cell activation through the Fc_I receptor and may be useful in certain situations where T cell activation aids immunotoxin induced toxicity.

25

General methods to make antibodies lacking the Fc region or to make antibodies which are humanized are set forth in Harlow and Lane, *Antibodies: A Laboratory Manual*, Cold Spring Harbor Laboratory, Cold Spring Harbor, New
30 York, 1988. Thus, as used in the claims, antibody can

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mean the entire antibody or any portion of the antibody sufficient for specific antigen or receptor binding.

EXAMPLE 6

5

Treatment of Autoimmune Diseases Using Other Antibody-CRM9 Conjugates which Route by the Anti-CD3 Pathway

Since receptor recycling is a requirement for effective CRM9 based immunotoxins and since TCR/CD3 recycles as a unit, antibodies directed at other epitopes on TCR/CD3 will constitute effective derivatives, in particular antibodies directed at the approximately 50 V β subset families or the approximately equal number V α subsets can be used to conjugate CRM9 and ablate specific V β or V α subsets *in vivo*. In addition, in some cases it will be desirable to develop specific monoclonal antibodies reacting with unique rearrangements of either the V α or V β subset families.

20

The advantage of targeting the specific V β or V α subset(s) as opposed to the entire T cell population is twofold: (1) Elimination of a V β subset does not create a generalized immunodeficiency, only a hole in the immune repertoire is generated. Therefore, the ability to ward off most infections and maintain immune surveillance of most malignant transformations would remain intact. (2) Immunotoxin log kill increases linearly as the target cell burden decreases, assuming dose is unchanged. A 50-fold increase in log kill can be obtained as the target is

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- 40 -

changed from the entire set of T cells to a single V β subset. However, due to (1) the high affinity of binding of these immunotoxins, (2) the very low total dose given which is below target cell receptor saturation and (3) the
5 irreversible nature of the endocytotic process, the target cells deplete the effective dose and this depletion decreases as target burden decreases. Since the log kill is exponential in effective dose, much higher increases in log kill than 50-fold on changing the target from T cells
10 to a V β subset can occur. The expected increase in log kill will only occur if the immunotoxin is specific for the defined target. Extraneous interactions with other cell types via the antibody Fc piece is preferably eliminated.

15

Because HIV has been shown to preferentially infect one (V β_{12}) or a few of the 20 V β subset families providing a small T cell reservoir of HIV replication, and because HIV infection apparently involves an unknown superantigen,
20 CRM9 based immunotoxins directed at these specific V β subsets such as anti-V β_{12} -CRM9 can reduce the HIV virus load. In addition, total ablation of a V β subset in the presence of an endogenous superantigen can lead to long term ablation of the subset since maturing T cells are
25 negatively selected in the presence of endogenous superantigens. Since the specific V β subset responding to the superantigen is eliminated, infection cannot take place.

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The two strategies that can be utilized for using anti-V β_{12} -CRM9 immunotoxins to treat HIV infections are (1) treatment depleting the susceptible V β subset to an extent where continued infection cannot be maintained and (2) 5 treatment to the extent that all or nearly all of the V β_{12} subset is eradicated.

Anti-human V β monoclonal antibodies such as S5-11 (anti-V β_{12}) are available (T Cell Sciences, Cambridge, MA) 10 and can be conjugated to CRM9 by standard methodologies.

Briefly, as in Example 5, conjugation of anti-V β and anti-V α IgG monoclonal antibodies to CRM9 is performed by the same methods used to conjugate anti-CD3 to CRM9 using 15 a non-cleavable linker such as bismaleimido-hexase and previously described in detail (Neville et al. (1988) *J. of Biol. Chem.* 264:14653-61).

Conjugates can be administered as an I.V. bolus in a 20 carrier consisting of 0.1M Na₂SO₄ + 0.01M phosphate buffer, pH 7.4 plus 1 part in 50 of serum previously obtained from the patient. The dose schedule is every other or third day for 3 to 6 days. The total dose is preferably from 25 to 200 micrograms of toxin per kg of body weight, but may 25 be increased if anti-diphtheria toxin antibodies are present in the patient's sera in significant amounts.

Other V β or V α subsets which may be found to be associated with HIV infection can be treated in the same 30 manner described herein by conjugating the CRM9 to the

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antibody specifically reactive with the appropriate V β or V α subset.

EXAMPLE 7

5

T Cell Depletion and Immunosuppression in Monkeys Using the Immunotoxin Anti-CD3-CRM9.

CRM9 is a diphtheria toxin (DT) binding site mutant
10 and forms the basis of the anti-T cell immunotoxin anti-CD3-CRM9. This immunotoxin has been constructed against human and rhesus T cells and has shown above to kill 3 logs of human T cells in a nude mouse xenograft system. The present example demonstrates a 2 log kill of T cells
15 in rhesus monkey lymph nodes that is also shown to produce prolongation of skin allograft rejection in monkeys.

Humans are immunized against diphtheria toxin by exposure to DPT vaccines in childhood. This long lasting
20 immunity may interfere with the efficacy of DT based immunotoxins. Many monkeys are immunized against DT by natural exposure to toxin producing *Corynebacterium*. The present method addresses any potential interference of pre-existing DT antibodies with the activity of the
25 present immunotoxins.

ELISA

ELISA assays were performed in order to determine the levels of anti-DT titers existing in 9 individuals in a
30 population ages 27 to 55. There were 3 individuals with

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titers of 1:100 (low) and 6 with titers of 1:1000 (moderate).

Rhesus monkeys were screened by the same assay and a
5 1:1000 titered monkey was selected.

Administration of Non-Toxic Diphtheria Toxin Mutant

Monkeys were treated by I.V. route 5 min prior to the immunotoxin dose with a 100 fold excess of CRM197 over the
10 CRM9 content of the immunotoxin to be administered. Just prior to administering CRM197, a H1 histamine blocking agent such as Benadryl or Tagevil was given I.V. to minimize any possibility of an anaphylactic reaction (for Benadryl 4 mg/kg). No histaminic reaction was detected.

15

Anti-CD3-CRM9 was given at a total dose between 0.1 and 0.2 mg/kg (toxin weight) in 3 equally divided doses (approximately 0.033 mg/kg) on 3 consecutive days. In these monkeys, the total dose of immunotoxin was 0.1
20 mg/kg.

Table 1 shows a comparison of the efficacy of anti-CD3-CRM9 in monkeys by comparing the decrease in the lymph node T/B cell ratio (a measure of lymph node T cell
25 depletion) and the immunosuppressive effect of the immunotoxin as judged by prolongation of mismatched skin graft survival. Effects on the survival of skin grafts is a clear indicator of the general effect a given treatment has on the subject's immune system.

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The monkey with the preexisting anti-DT titer that was pretreated with CRM197 shows the same level of T/B cell inversion as in the negative titered monkey. Skin graft survival was significantly prolonged over the

5 titered monkey treated without CRM197. The failure to achieve a prolongation of graft survival equal to the negatively titered monkey is likely due to the lower weight of this monkey which causes T cells to repopulate faster, in this case 3-4 days faster, due to the larger

10 thymic T cell precursor pool in younger animals. Age related effects such as these can be compensated for by modification of dosage levels and timing of administration.

TABLE 2. Efficacy of Anti-CD3-CRM9 With and Without CRM197 In Rhesus Monkeys
With Positive and Negative Anti-Diphtheria Toxin Titers.

Monkey	Weight kg	Anti-DT Titer	Treatment	Post Treatment* Lymphnode T/B Cell Ratio	Day(s) of Skin Graft Survival
historical controls	4-7	N/A	None	2.1-2.4'	9.5±08 ^s
B65	5.1	neg	anti-CD3	1.8	12, 12
8838	5.1	neg	anti-CD3-CRM9	0.14**	19, 20
M93	5.1	1:1000	anti-CD3-CRM9	0.57	11, 12
C81	1.0	1:1000	CRM197 + anti- CD3-CRM9	0.20	14, 15

* All monkeys received the same dose of immunotoxin 0.1 mg/kg total in divided doses on day 0, 1 and 2. Lymph node sampled on day 3. CRM197 when given in 100 fold excess over CRM9 content.

+ In this study untreated animals show this lymph node T/B ratio

\$ Historical controls at TNO, Rijswijk

xx Anti-CD3 given at the same mol. dose as anti-CD3-CRM9

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EXAMPLE 8**Immunotoxin UCHT1-CRM9 for the Treatment of Steroid
Resistant Graft-Versus-Host Disease**

5 Treatment protocols for this type of disease can be expected to last a year, with Patients being followed for at least 5 years.

Characterization of UCHT1-CRM9 and CRM197

10 UCHT1-CRM9 is a covalent 1:1 conjugate of anti-human CD3 IgG1 monoclonal antibody and CRM9. The conjugate is synthesized, purified, sterile filtered and assayed for concentration, biological efficacy toward target cells and non-target cell toxicity by standardized culture assays.

15 The method of synthesis, purification assay are identical to that used for FN18-CRM9 which was used in the pre-clinical monkey studies described in Examples 5 - 7.

 CRM9 and CRM197 are produced by the Biotechnology

20 Unit, NIH and purified by the Cooperating Facility. UCHT1 is produced in mouse ascites fluid and is purified by affinity chromatography over Protein A Sepharose. The synthesis, purification and storage of UCHT1-CRM9 is performed in a dedicated secure area. UCHT1-CRM9 is

25 purified in 2 mg lots which are pooled and stored at 4°C. Shelf life is documented to be five months at full biological potency but does not exceed 4 months for this study. Preferably, most of the immunotoxin is used within 3 months of synthesis.

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Patient Population

The patient population consists of individuals suffering from steroid resistant GVHD whose prognosis is poor. Patients are assayed for anti-CRM9 (anti-DT) titers and antibodies to murine immunoglobulin. Patients having anti-CRM9 titers of 1:1000 and below are treated according to the present protocol. Patients who have a history of receiving murine immunoglobulins or who exhibit positive anti-Ig titers may require special consideration.

10

Dosage of CRM9 Immunotoxin and Non-Toxic Mutant

UCHT1-CRM9 is administered at a dose which is 1/10 or less of the estimated minimum lethal dose (MLD) in a T lymphopenic patient. The MLD is expected to be at least 0.15 mg/kg (CRM9 content) based on the MLD of 0.15 mg/kg of IgG1-CRM9 in guinea pigs which lack a target cell population for the IgG1. (The presence of target cells in humans raises the MLD by providing a sink for the immunotoxin.) The optimal dose schedule has been found in monkeys to be administration on 3 consecutive days in 3 equally divided doses, and this schedule can be used throughout the treatment period. This permits administration of the total dose before any rise in pre-existing antitoxin titers due to a secondary response. In addition, the initial repopulation from the thymus is also eliminated, thus, further lowering the total T lymphocyte pool. Therefore, a total of 0.0125 mg/kg in three equally divided doses is given to the patient. This dose does induces T cell depletion in monkeys so that monitoring of T cell subsets and signs and symptoms of

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GVHD is relevant at the lowest dose. For the administration of this dose patients with anti-CRM9 titers of 1:100 or less will be treated. This permits pretreatment doses of CRM197 at 0.33 mg/kg or 1/10 the dose easily tolerated in monkeys. A second dosage group can include patients selected for antitoxin titers of 1:330 or less to whom CRM197 will be given at 1.0 mg/kg. A third dosage group can include patients with 1:1000 antitoxin titers or less will be given CRM197 at 3.3 mg/kg, a dose expected to be tolerable in humans, because it is easily tolerated by monkeys (see Example 7). The monkey MLD data should be very similar to humans on a per weight basis. However, GVHD patients are expected to be more like guinea pigs, because they have a smaller target cell population compared to non-GVHD patients.

Dose escalation can be tested by increasing the dose by a factor of 1.5. The following table exemplifies such a dose escalation test. For example three patients are used in each dosage group. There is a 3 to 4 week delay between each patient so that any late toxicity is detected before a dosage group is completed:

Patient #	CRM9 Dose each day mg/kg	Total Dose mg/kg	Week ending
1,2,3	0.00417	0.0125	12
4,5,6	0.00636	0.019	24
7,8,9	0.0083	0.028	36
10,11,12	0.0125	0.042	48

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Assuming each patient weighs on the average 70 kg, the first dosage group will consume 2.6 mg of the CRM9 immunotoxin, and will be supplied as a pool of two 2 mg batches. The second group will consume 3.9 mg and will
5 also be supplied as 2 pooled batches. The third group will require 5.9 mg and will be supplied as three pooled batches. The fourth group will require 8.9 mg and will be supplied as three pooled batches and an additional two pooled batches.

10

Administration

Prior to administering CRM197 a H1 histamine blocking agent such as Benadryl or Tagevil is given I.V. to minimize any possibility of an anaphylactic reaction (for
15 Benadryl 4 mg/kg). The CRM197 is administered I.V. in a 5 mg/ml sterile filtered solution in phosphate buffered saline pH 7.4 (PBS) over a 5 min time period. The immunotoxin is then given I.V. at 0.2 mg/ml over 2 min time period in a sterile filtered solution of 0.90mM
20 sodium sulfate and 10mM sodium phosphate pH 7.4.

Measurements of Biological Parameters

The following parameters can be measured at various intervals during treatment (as exemplified by the schedule
25 below):

- A Cytokines, TNF alpha, gamma IFN, IL-6
- B Routine clinical chemistries
- C WBC, Hct, diff; lymphocyte subsets CD3, CD4, CD8, CD2, CD16, CD20
- 30 D Body Weight

- 50 -

E Immune function assays. ELISA assays of serum to monitor antibody responses to UCHT1 (primary response) and CRM9 (secondary response). ELISA assays to monitor antibody responses to polio and DPT reimmunizations done
 5 at 1 year following bone marrow transplantation.

	(before IT) Day 0	A, B, C, D, E	Also A 2 hrs post
	Day 1	A, C, D	
	Day 2	A, C, D	
10	Day 3	A, B, C, D	
	Day 4	C, D	
	Day 7	A, C, D	
	Day 10	B, C	
	Day 14	A, C, D	
15	Day 21	C, D	
	Day 28	A, B, C, D, E	
	Day 45	C, D	
	Day 60,	B, C, D, E	

20

EXAMPLE 9

**An anti-CD3 single-chain immunotoxin with a truncated diphtheria toxin avoids inhibition by pre-existing
 25 antibodies in human blood**

The present Example examines the effect of human serum with pre-existing anti-DT antibodies on the toxicity of UCHT1-CRM9, an immunotoxin directed against CD3 molecules on T-lymphocytes. Sera with detectable anti-DT
 30 antibodies at 1:100 or greater dilutions inhibited the

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immunotoxin toxicity. Experiments with radiolabeled-UCHT1-CRM9 indicate that anti-DT antibodies partially block its binding to the cell surface as well as inhibit the translocation from the endosome to the cytosol. The inhibitory effect could be adsorbed using a full-length DT mutant or B-subfragment. A C-terminal truncation mutant could not adsorb the inhibitory effect, suggesting that the last 150 amino acids contain the epitope(s) recognized by the inhibitory antibodies.

10

Therefore, an anti-CD3 single-chain immunotoxin, sFv-DT390, was made with a truncated DT. The IC_{50} of sFv-DT390 was 4.8×10^{-11} M, 1/16 the potency of the divalent UCHT1-CRM9. More importantly, sFv-DT390 toxicity was only slightly affected by the anti-DT antibodies in human sera. "sFv" and "scUCHT1" both are single chain antibodies containing the variable region.

Mutated full-length and truncated diphtheria toxin (DT) molecules are used for making immunotoxins. These immunotoxins show strong cytotoxic effects to their target cells, and some of them have already been used in clinical trials (1-7).] Previously, an immunotoxin directed against the CD3 ϵ molecule of the T-cell receptor complex, a pan T-cell marker was constructed. This construct is made with a monoclonal antibody of mouse-origin, UCHT1, and a binding site mutant of diphtheria toxin (DT), CRM9 (8). The immunotoxin, UCHT1-CRM9, is capable of regressing established xenografted human T-cell (Jurkat) tumors in nude mice (9). A rhesus monkey analog of UCHT1-CRM9,

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FN18-CRM9 was capable of not only depleting circulating T-cells but also depleting resident T-cells in the lymph nodes. This immunotoxin also delayed skin allograft rejection as compared to antibody treatment and
5 non-treatment controls.

In contrast with ricin and *Pseudomonas* exotoxin (PE) based immunotoxins, there is a potential problem using UCHT1-CRM9, or other DT-based immunotoxins, in the
10 treatment of human diseases. Most people have been immunized against DT. Therefore these people have a pre-existing anti-DT antibody titer which could potentially inhibit or alter the efficacy of these immunotoxins. This limitation also occurred in rhesus
15 monkey studies. FN18-CRM9 could deplete T cells in the blood, but to a much lesser extent in animals with anti-DT antibodies, and the T cells repopulated several days earlier compared to those monkeys without anti-DT titers. In order to overcome this antibody mediated inhibition,
20 the first examination of the effect and the mechanism of human sera containing anti-DT antibodies on UCHT1-CRM9 toxicity was done.

A DT point-mutant, a truncation mutant and
25 DT-subfragments were used in an attempt to neutralize the anti-DT effect in human sera. Based on the neutralization data, a single-chain immunotoxin was constructed with a C-terminal deletion mutant of DT which is expected to bypass the inhibitory effect of the pre-existing anti-DT
30 antibodies.

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Cells.

Jurkat cells (ATCC) were maintained in RPMI 1640 supplemented with 10% fetal calf serum, 25 mM sodium bicarbonate and 50 μ g/ml of gentamycin sulfate.

5

Serum and adsorbing molecules.

Goat anti-DT serum was provided by Dr Randall K. Holmes (USUHS, Bethesda, MD). Human serum samples were provided by Dr. Henry McFarland (NINDS, NIH, Bethesda MD).
10 CRM197, an A-subfragment mutant (Gly 52 to Glu) of DT (see Figure 2A), with no enzymatic activity (10) is available from Biocine-IRIS (Siena, Italy). MSPA5, a truncation mutant (amino acid 385) of DT with an additional 5 amino acids at the C-terminus was provided by Dr. Richard Youle
15 (NINDS, NIH, Bethesda MD). Purification of the DT B-subfragment has been described (11). Immunotoxins-UCHT1-CRM9 synthesis has been described (12).

The recombinant immunotoxin, sFv-DT390, was
20 generated in two phases. First the coding sequences for the variable light (V_L) and variable heavy (V_H) chain regions of the UCHT1 antibody were amplified by a two step protocol of RT-PCR using primers based on the published sequence (13). The 5' V_L primer added a unique NcoI
25 restriction enzyme site while the 3' V_H primer added a termination codon at the J to constant region junction and an EcoRI site. The V_L region was joined to the V_H region by single-stranded overlap extension and the two regions are separated by a (Gly₃Ser)₄ linker that should allow for
30 proper folding of the individual variable domains to form

- 54 -

a function antibody binding site (14). Second, genomic DNA was isolated from a strain of *C. diphtheriae* producing the DT mutant CRM9 (C7[$\beta^{hcox-201tox-9h}$]) as described (15). This DNA was used for PCR. The 5' primer was specific for the toxin gene beginning at the signal sequence and added a unique NdeI restriction site. The 3' primer was specific for the DT sequence terminating at amino acid 390 and added an NcoI site in frame with the coding sequence. The PCR products were digested with the appropriate restriction enzymes and cloned into the *E. coli* expression plasmid pET-17b (Novagen, Inc., Madison, WI, USA) which had been linearized with NdeI and EcoRI. The resulting plasmid was used to transform *E. coli* BL21/DE3 cells. Cells were grown to an OD₅₉₀ of 0.5, induced with 0.5 M IPTG (Invitrogen, San Diego, CA, USA) and incubated for an additional 3 hours. The sFv-DT390 protein was isolated in the soluble fraction after cells were broken with a French Press and the lysate subjected to centrifugation at 35,000 X g.

20

Protein synthesis inhibition assay.

Inhibition assays were performed as described (12) with the following modifications. Immunotoxins were incubated for 30 minutes with the indicated serum sample or leucine free medium at room temperature prior to addition to cells. In some experiments the serum was pre-incubated for 30 minutes with an adsorbing molecule at the given concentrations to bind the antibodies. The immunotoxin/serum mixture was incubated with Jurkat cells (5 x 10⁴ cells/well in 96 well plate) for 20 hours. A 1

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hour pulse of [^3H]-leucine (4.5 $\mu\text{Ci/ml}$) was given before cells were collected onto filters with a Skatron harvester. Samples were counted in a Beckman scintillation counter. Each experiment was performed in 4
5 replicates. Results were calculated into a mean value, and recorded as a percentage of control cells.

Serum antibody detection.

Anti-DT antibodies were detected in human serum by
10 ELISA. CRM9 (10 $\mu\text{g/ml}$) was adsorbed to Costar 96-well EIA/RIA flat bottom plates (Costar, Cambridge, MA, USA) for 2 hours and then washed in phosphate buffered saline (PBS) containing 0.1% Tween 20. Each well was then incubated with PBS containing 3% gelatin to prevent
15 non-specific binding of antibodies to the plastic. Serum samples were diluted in PBS containing 0.1% Tween 20 and 0.3% gelatin prior to addition to the plate. After 1 hour incubation, the wells were washed as above, and incubated for an additional hour with protein A/G-alkaline
20 phosphatase (1:5,000; Pierce, Rockford, IL, USA). Wells were washed, and phosphatase substrate (Pierce) was added following the manufacturer's directions. After 30 minutes color development was stopped with NaOH and the optical density (OD) was measured with a kinetic microplate reader
25 (Molecular Devices Corporation, Palo Alto, CA, USA). Each sample was performed in triplicate. Results are presented as O.D. values and antibody titers.

Endocytosis assay.

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UCHT1-CRM9 was iodinated using the Bolton-Hunter reagent (NEN Dupont, Wilmington, DE, USA) as described (16). Jurkat cells were washed twice with binding medium (RPMI 1640 supplemented with 0.2% bovine serum albumin, 10 mM Hepes (pH 7.4) and without sodium bicarbonate). Cells (1.5×10^6) were incubated for 2 hours on ice with ^{125}I -UCHT1-CRM9 (1×10^{-9} M) that had been pre-incubated with serum or binding medium. Unbound antibody was removed by washing the cells twice in PBS (pH 7.4) with centrifugation and resuspension. Duplicate samples were incubated for 30 minutes on ice or at 37°C . One sample from each temperature point was centrifuged at $800 \times g$ to separate the total cell associated (pellet) from the exocytosed or dissociated counts (supernatant). Both fractions were counted in a Beckman γ -counter. To determine the amount of internalized immunotoxin, cells from the second sample at each temperature were incubated in low pH medium (binding medium containing 10 mM morpholinoethanesulfonic acid, all of which was titrated to pH 2.0 with HCl) for 5 minutes to dissociate the surface bound ^{125}I -immunotoxin (17). Samples were centrifuged at $800 \times g$ to separate the internalized (pellet) from the membrane bound (supernatant). Both fractions were counted in a Beckman γ -counter (Beckman, Fullerton, CA, USA).

Serum with anti-DT antibodies inhibits UCHT1-CRM9 toxicity.

Since humans are immunized against DT, the presence of anti-DT antibodies in the serum was determined by ELISA

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(Table 3). In a limited sample population, 80% of the serum samples had an anti-DT antibody titer of 1:100 or above. The vaccination status of the donors was not available. To determine the effect of these antibodies on

5 UCHT1-CRM9 toxicity, the immunotoxin was pre-incubated with different concentrations of serum and the toxicity of the mixture was assayed (Table 3). Serum samples without a significant ELISA O.D. (2 fold above background) were incapable of affecting UCHT1-CRM9 toxicity at high

10 concentrations of serum (1:10). However, serum samples with a positive ELISA result could neutralize the cytotoxic effect at 1:10 dilution, and those with a high ELISA O.D. (7-11 fold above background) inhibited toxicity even at a 1:100 dilution. Similar results were seen in

15 assays conducted with monkey serum samples.

Table 3. Human serum with anti-DT antibodies inhibits the toxicity of UCHT1-CRM9 and the inhibition correlates with the anti-DT titer

Sample	ELISA		Protein Synthesis ^b (% control)		
	O.C. (X ± S.D.)	Titer	1:10	1:100	1:1,000
10010	0.738 ± 0.017	1:750	97 ± 3	79 ± 8	2 ± 0
10011	0.568 ± 0.048	1:500	104 ±	13 ± 2	2 ± 0
10012	0.491 ± 0.025	ND ^c	96 ± 3	19 ± 2	2 ± 0
10013	0.411 ± 0.052	1:500	105 ± 8	7 ± 1	2 ± 0
10014	0.390 ± 0.047	1:500	96 ± 2	7 ± 0	2 ± 0
10015	0.353 ± 0.008	1:250	125 ± 6	6 ± 4	2 ± 0
10019	0.359 ± 0.019	1:250	101 ± 7	6 ± 1	2 ± 0
10016	0.141 ± 0.015	1:100	22 ± 1	3 ± 0	2 ± 0
10017	0.100 ± 0.006	<1:100	4 ± 0	3 ± 0	2 ± 0
10018	0.071 ± 0.001	<1:100	2 ± 0	2 ± 0	2 ± 0
Goat	1.450 ± 0.013	1:10 ⁵		102 ± 19	104 ± 3

^aELISA was performed in triplicate for each serum sample as described under "Materials and Methods." The O.D. values were derived from 1:100 dilutions and presented as a mean value ± SD. The background value was 0.060 ± 0.02. titers are recorded as the highest serum dilution that showed a positive reaction in ELISA.

^bUCHT1-CRM9 (2 x 10¹⁰) was incubated with different dilutions of serum for 30 min. The mixture was then added to cells as described under "Materials and Methods." Four replicates were performed for each sample. Data are presented as a mean value ± S.C. in percentage of the control counts. UCHT1-CRM9 inhibited protein synthesis to 2.0% of controls. The goat anti-DT serum could be diluted to 1:10,000 and still completely inhibited the toxicity of UCHT1-CRM9.

^cND, not done

Sera do not inhibit endocytosis of UCHT1-CRM9.

The inhibitory effect of serum on UCHT1-CRM9 toxicity could be due to prevention of the immunotoxin binding to the cell surface or the endocytosis of UCHT1-CRM9 into the cell. Endocytosis assays were conducted using ^{125}I -UCHT1-CRM9 to determine if either of these processes were affected by anti-DT antibodies present in sera. The results indicate that the presence of serum (goat anti-DT or human) reduces as much as 80% of the immunotoxin counts binding to the cell surface (Table 4). While this is a significant reduction in binding, limiting 90% of input immunotoxin (one log less UCHT1-CRM9) in toxicity assays reduces protein synthesis to <25% of controls (see Figure 3). In contrast, the inhibitory effect of serum containing anti-DT antibodies is 100%. Therefore the effect of the anti-DT antibodies is not all at the level of inhibition of binding to the cell surface. The pre-incubation of ^{125}I -UCHT1-CRM9 for 2 hours on ice and subsequent washing at room temperature resulted in 18 to 25% of the total cell associated counts internalized (Table 4). After incubation for 30 minutes at 37°C, there is a doubling of internalized counts both with and without serum, indicating that the same percentage of labeled immunotoxin is endocytosed. The identical dilutions of serum were incubated with non-labeled UCHT1-CRM9 and used in protein synthesis inhibition assays. The results demonstrate that the ratio of immunotoxin to serum used was capable of completely inhibiting the toxicity (Table 4), although the endocytosis of UCHT1-CRM9 was not affected.

Table 4. Inhibition of UCHT1-CRM9 toxicity by serum does not correlate with inhibition of endocytosis.

Serum Sample	Time (37°C)	% Bound	% of Bound internalized	Protein Synthesis (% Control)
-	0	100	23.6.	N.D. ^a
-	30	100	58.8	3 ± 1
Human	0	20	18.1	N.D. ^a
Human	30	19	35.9	105 ± 5
-	0	100	25.3	N.D. ^a
-	30	100	54.0	3 ± 1
Goat	0	37	24.4	N.D. ^a
Goat	30	33	50.7	92 ± 14

[¹²⁵I]-UCHT1-CRM9 (2 x 10⁻⁹M) was incubated with medium or anti-DT serum (1:4 dilution of human sample 10010 or a 1:1,000 dilution of goat serum; Table 3) for 30 minutes at room temperature. This mixture was added to Jurkat cells (1.5 x 10⁶) for 2 hours on ice (final concentration of [¹²⁵I]-UCHT1-CRM9 was 1 x 10⁻¹⁰). The cells were then washed and endocytosis assays performed as described in Materials and Methods. The % Bound value represents the cell associated counts divided by the cell associated counts divided by the cell associated counts without serum. Non-labeled UCHT1-CRM9 was incubated with the above dilutions of sera and the resulting mixture was used in protein synthesis inhibition assays. the results shown are representative of two independent assays.

n.d.: non done.

The inhibitory effect of anti-DT antibodies can be removed by adsorption.

To prevent the inhibitory effect of serum as well as gain insight into the mechanism by which serum inhibits toxicity, experiments were designed to adsorb the protective anti-DT antibodies from the serum. The serum (a pool of all human sera with positive anti-DT ELISA or goat anti-DT) was pre-incubated for 30 minutes with increasing concentrations of CRM197 (an A-chain mutant of DT with no enzymatic activity), MSPΔ5 (a truncation mutant missing the last 150 amino acids) and the purified A- and B-subfragments of DT (Figure 2A). The adsorbed serum was then incubated with UCHT1-CRM9 in protein synthesis inhibition assays. CRM197, the full length DT-like construct, was capable of completely adsorbing the protective antibodies from both goat (Figure 2B) and pooled human serum (Figure 2C). The B-subfragment of DT is also capable of complete adsorption, however ~100 fold more is required. The A-subfragment of DT had little or no effect on either serum, although the serum samples were demonstrated to contain antibodies reactive to both the A- and the B-subfragments by Western Blot analysis. Of interest were the results seen with MSPΔ5, the truncation mutant. Adsorption of goat serum with MSPΔ5 gave a dose dependent removal of the serum's protecting effect (Figure 2B). However, this adsorption could not bring toxicity down to levels obtained when CRM197 or the B-subfragment was used.

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In contrast to the results observed with the goat serum, MSPA5 had little effect on pooled human serum (Figure 2C). These results suggest that the pre-existing anti-DT antibodies important for the protecting effect in human serum are mainly directed against the last 150 amino acids of DT.

sFv-DT390 is not inhibited by anti-DT antibodies present in human sera.

10 Having observed that the epitope(s) recognized by the antibodies important for protection lay in the C-terminal 150 amino acids, a single-chain immunotoxin was generated with the first 390 amino acids (out of 535) of DT. Position 390 was chosen for 2 reasons: first, the 3 dimensional structure of DT suggested that this position was an external point on the molecule away from the enzymatic domain (18), and second, fusion toxins have been generated with longer DT subfragments with no reports of serum effects (19). The DNA encoding the first 390 amino acids of DT was ligated to DNA encoding the anti-CD3esFv (V_L linked to V_H using a (Gly₃Ser)₄ linker sequence). The predicted molecular weight for the fusion protein is 71,000 Daltons and has been confirmed by Western Blot analysis of both *in vitro* transcribed and translated protein as well as protein isolated from *E. coli* using goat anti-DT antibodies. The toxicity of sFv-DT390 protein, isolated from *E. coli* strain BL21/DE3, was compared to UCHT1-CRM9 in protein synthesis inhibition assays (Figure 3A). The IC₅₀ (concentration required to inhibit protein synthesis to 50% of controls) of sFv-DT390

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was 4.8×10^{-11} M compared to 2.9×10^{-12} M for UCHT1-CRM9, a 16-fold difference. To demonstrate the specificity of the sFv-DT390 construct, competition experiments were performed using increasing concentrations of UCHT1 antibody as competitor (Figure 3B). The results showed that approximately 1/8 antibody is needed to compete the sFv-DT390 toxicity to 50% as compared to UCHT1-CRM9. The antibody was capable of totally competing toxicity of both constructs thereby showing their specificity. The immunotoxins were then subjected to protein synthesis assays in the presence of increasing dilutions of serum (Table 5).

UCHT1-CRM9 toxicity was completely inhibited with a 1:10 dilution of the human sera but at a 1:100 dilution toxicity was equivalent to controls without serum. In contrast, the sFv-DT390 immunotoxin is only partially inhibited with the 1:10 dilution of the human sera and the 1:100 dilution no effect on the toxicity. Both immunotoxins are completely inhibited by goat anti-DT serum (1:1,000 dilution). These results indicate that the sFv-DT390 immunotoxin partially evades the pre-existing anti-DT antibodies present in most human sera.

These results indicate that the pre-existing anti-DT antibodies present in human serum inhibit the toxicity of the immunotoxin UCHT1-CRM9. This inhibition of toxicity was also observed with goat anti-DT serum, however less goat serum was needed to completely inhibit toxicity. The experiments were designed in such a way to

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mimic the *in vivo* situation. The peak concentration of circulating immunotoxin currently being tested in animal models is 1×10^{-9} M. The immunotoxin concentration incubated with the 1:10 dilution of human serum was 1×10^{-10} M, thus approximating *in vivo* conditions. The inhibition of toxicity correlates with the serum antibody levels as determined by ELISA (Table 4), indicating that sera with higher anti-DT titers have a stronger inhibitory effect. Similarly, the goat anti-DT serum which gave the highest ELISA value could be diluted 10,000 times and still completely inhibited UCHT1-CRM9 toxicity. Since this correlation exists, there is no indication that any other component of the serum inhibits the toxicity of UCHT1-CRM9.

15

Furthermore, the data show that a titer of 1:100 dilution is necessary for an inhibition of the immunotoxin toxicity. A construct in which the first 486 amino acids of DT were fused to interleukin-2, DAB₄₈₆IL-2, was used in lymphoid malignancy patients. A partial response to DAB₄₈₆IL-2 was observed in several patients who had a anti-DT titer below 1:100 dilution prior to the treatment.

Intoxication of cells by immunotoxins can be subdivided into four general stages: 1) specific binding to the cell surface, 2) endocytosis into the cell, 3) translocation of enzymatic domain of the toxin out of the endosome and 4) enzymatic inactivation of the target molecule. The results presented indicate that, while the amount of immunotoxin reaching the cell surface is lower

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in the presence of serum, the same percentage of bound immunotoxin is endocytosed. Taking into account the reduced amount of immunotoxin bound to the cell, the amount of endocytosed immunotoxin should intoxicate the
5 cells to below 25% of controls. However, the immunotoxin had no effect on protein synthesis in the presence of serum containing anti-DT antibodies. Since the A-subfragment of DT could not adsorb the protective effect of serum while the B-subfragment could, the effect of
10 serum is not likely to be at the level of inhibiting enzymatic activity of the toxin. Therefore, the anti-DT antibodies probably affect the translocation of the A-subfragment into the cytosol.

15 CRM197, B-subfragment, and MSPA5 could adsorb the protecting anti-DT antibodies from the goat and rhesus monkey sera. However, among the 3 DT mutants, MSPA5 could not prevent the UCHT1-CRM9 toxicity in the presence of the human sera, showing a difference in the anti-DT antibody
20 repertoire among humans, goat and rhesus monkeys. This difference does not seem to be due to immunization routes, because monkeys used in the present study were not immunized for DT and presumably acquire the antibodies after a natural infection with toxigenic strains of *C.*
25 *diphtheriae*. There have been reports showing that rhesus monkeys and humans shared a similar antibody repertoire (21), but the present results suggest that the effect of antibodies from the host for whom immunotoxin treatment is intended should be useful.

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To overcome the blocking effect of the pre-existing anti-DT antibodies in human sera, there are basically two pathways existing. One is to neutralize the antibodies with non-toxic DT mutants, and the other is to
5 modify the DT structure used for making immunotoxin (3). The antibody neutralization pathway has been tested in monkey studies of FN18-CRM9 treatment as described above.

The present results showed that although antibodies
10 against both A- and B-subfragments existed in human sera, MSP5 could not neutralize the pre-existing protective anti-DT antibodies, and therefore could not prevent the inhibition of the cytotoxicity of UCHT1-CRM9. However, it did block the inhibitory effect of the goat and monkey
15 sera. This prompted the construction of the present recombinant immunotoxin, sFv-DT390. The IC_{50} of sFv-DT390 is 4.8×10^{-11} M, 1/16 as potent as UCHT1-CRM9. Like many other single-chain constructs, sFv-DT390 is monovalent as compared to immunotoxins generated with full length,
20 bivalent antibodies. The reduced toxicity in sFv-DT390 could be explained primarily on this affinity difference. Immunotoxins generated with purified F(ab)' fragments of antibodies also show an *in vitro* loss in toxicity (generally a 1.5 log difference) when compared to their
25 counterparts generated with full length antibodies (22). The toxicity of sFv-DT390 is comparable to that reported for DAB486IL-2 (23). From the present data some advantages of sFv-DT390 are expected. First, sFv-DT390 is only 1/3 of the molecular weight of UCHT1-CRM9. The molar
30 concentration of sFv-DT390 will be 3 times higher than

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that of UCHT1-CRM9 if the same amount is given (for example, 0.2 mg/kg). Therefore, their difference in potency could be reduced to approximately 5 times. Second, in an *in vitro* experiment (Table 5), the same
5 molar concentration of sFv-DT390 and UCHT1-CRM9 was used for serum inhibition test, although the former is only 1/16 potent compared to the latter. The pre-existing anti-DT antibodies in human sera could only partially block the toxicity of sFv-DT390 while the effect of
10 UCHT1-CRM9 was completely blocked. Thus, sFv-DT390 is expected to bypass the anti-DT antibodies in *in vivo* situations while UCHT1-CRM9 cannot. Third, sFv-DT390 contains only the variable region of UCHT1, and is expected to have less immunogenicity in human anti-mouse
15 antibody (HAMA) responses than the native murine antibody UCHT1. Finally, the production cost of sFv-DT390 is much lower than that of UCHT1-CRM9. Based on these reasons, sFv-DT390, or others with similar properties, are expected to be useful in the treatment of T-cell mediated diseases
20 in humans, especially in anti-DT positive individuals and in patients who need repeated treatments. To obtain evidence supporting this assumption, it is only necessary to construct a rhesus monkey analog of sFv-DT390, and test it in monkey models as described in previous examples.

Table 5: Anti-DT antibodies present in human sera have reduced effect on sFv-DT390 toxicity.

Serum Sample	ELISA value (\pm S.D.)	Protein synthesis (% Contol)					
		UchT1CRM9			sFv-DT390		
		1:10	1:10 ²	1:10 ³	1:10	1:10 ²	1:10 ³
10012	0.491 \pm 0.025	119 \pm 24	8 \pm 2	ND*	47 \pm 9	21 \pm 8	ND
Pooled	0.331 \pm 0.015	108 \pm 37	7 \pm 1	ND*	49 \pm 7	16 \pm 7	ND
Goat	1.450 \pm 0.013	ND	ND	94 \pm 21	ND	ND	8 \pm 11

*Not done

UCHT1CRM9 or sFv-DT390 (2×10^{-9} M) was incubated with the indicated dilutions of serum for 30 min. The mixture was then added to cells as described under "Materials and Methods." The final concentration of immunotoxin on cells was 1×10^{-10} M. Four replicates were performed for each sample. Data are presented as a mean value \pm S.D. in percentage of the control counts. UCHT1-CRM9 inhibited protein synthesis to 5% of controls while the sFv-DT390 inhibited protein synthesis to 18% of controls. The ELISA value was determined using a 1:100 dilution of serum. The results are representative of two independent experiments.

EXAMPLE 10**Expression and Characterization of A Divalent Chimeric
Anti-human CD3 Single Chain Antibody**

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Murine anti-CD3 monoclonal antibodies (mAbs) are used in clinical practice for immunosuppression. However, there are two major drawbacks of this treatment: the associated cytokine release syndrome and human anti-mouse antibody response. To overcome these side effects, a chimeric anti-human CD3 single chain antibody, scUCHT1 was generated. It is an IgM variant of the UCHT1 described in Example 9. scUCHT1 consists of the light and heavy variable chain binding domains of UCHT1 and a human IgM Fc region (CH₂ to CH₄). The method used was reported by Shu et al. [37] and is further described below. The following data show that the engineered chimeric anti-CD3 single chain antibody (scUCHT1) will be useful in clinical immunosuppressive treatment.

20

Oligonucleotide primers and DNA amplification.

Primers used for the antibody engineering are listed in Table 6, and the primer sequences are based on published data [13]. The procedures of cloning scUCHT1 is schematically depicted in Fig. 4. mRNA isolated from UCHT1 hybridoma cells (provided by Dr. P. C. Beverley, Imperial Cancer Research Fund, London) was reverse transcribed into cDNA. The V_L and V_H regions of UCHT1 were amplified with polymerase chain reaction (PCR) from the cDNA using primer pairs P1, P2 and P3, P4 respectively.

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Primers P2 and P3 have a 25 bp complementary overlap and each encoded a part of a linker peptide (Gly₄Ser)₃. The single chain variable fragment (V_L-linker-V_H) was created by recombinant amplification of V_L and V_H using primers P1 and P4. A mouse kappa chain signal sequence was added at the V_L 5'-end by PCR, first with primers SP2 and P4, and then with primers SP1 and P4. The human IgM Fc region (CH₂ to CH₄) was amplified from the plasmid pBlue-huIgM (kindly provided by Dr. S. V. S. Kashmiri, National Cancer Institute, Bethesda. This gene fragment was about 1.8 kb. The V_L-linker-V_H-CH₂ region which is important for antigen recognition was confirmed by sequence analysis. Finally, the single chain variable fragment and the human IgM Fc region were cloned into plasmid pBK/CMV (Stratagene, La Jolla, CA, USA). Using the generated pBK/scUCHT1 plasmid as template, an in vitro transcription-translation assay yielded a product of 75 kDa, the expected size.

TABLE 6. Sequences of oligonucleotide primers used for PCR amplification

Primers	Sequences	RE sites
P1 (UCHT1 VL5)	5' GACATCCAGATGACCCAGACC 3'	
P2 (UCHT1 VL3)	CCTCCCGAGCCACCGCTCCGCTGCCTCCGCTCCTTTTATCTCCAGCTTG (T) GTC (G) CC	
P3 (UCHT1 VH5)	GCAGCGGAGGCGGTGGCTCGGAGGGGAGGCTCGGAGGTGCAGCTTCAGCAGTCT	
P4 (UCHT1 VH3)	GCAAGCTTGAAGACTGTGAGAGTGGTGCCTTG	Hind III
P5 (HuIgM-CH2)	GTCTCTTCAAAGCTTATTGCC (T) GAGCTGCCTCCCAA	Hind III
P6 (HuIgM-CH4)	GCACTAGATCAGTAGCAGGTGCCAGCTGTGT	Xba I
SP1		
(Signal SEQ 1)	CGGTCGACACCATGGAGACAGACACACTCCTGTTATGGGTACTGCTGCTGGGTCCA	Sal I
SP2	GTA CTGCTGCTCTGGGTCCAGGTTCCACTGGGGACATCCAGATGACCCAG	
(Signal SEQ 2)		

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Expression in COS-7 and SP2/0 cells.

The gene fragment encoding scUCHT1 was then cloned into an expression vector pLNCX [36]. The scUCHT1 gene construct was introduced into COS-7 cells with a
5 calcium-phosphate method [32], and introduced into SP2/0 myeloma cells by electroporation [33]. Cells transfected were selected with 500 μ g/ml G418 (GIBCO/BRL, Gaithersburg, MD, USA) in DMEM medium. The drug resistant transfectants were screened for scUCHT1 secretion by an
10 anti-human IgM ELISA technique. Transfectants secreting scUCHT1 were cloned by limiting dilution.

Two stable clones, COS-4C10 and SP2/0-7C8, which could produce about 0.5 mg/ml scUCHT1 in culture medium,
15 were selected for further evaluation. The culture supernatant of COS-4C10 and SP2/0-7C8 cells was analyzed by immunoblotting using anti-human IgM antibody (Fig. 5). Human IgM antibody was included as a control in the analysis. Under reducing conditions, scUCHT1 produced by
20 COS-7 and SP2/0 cells had a similar electrophoretic mobility to that of the control human IgM heavy chain (75 kDa). Under non-reducing conditions, scUCHT1 from COS-7 cells appeared as a single band of approximately 150 kDa, which was thought to be a homodimer of the single chain
25 antibody. SP2/0 cells mainly produced a protein of similar size with some higher molecular weight products.

In constructing scUCHT1, the domain orientation of sFv, V_H - V_L , which Shu et al. used to V_L - V_H orientation, was
30 changed so that the heavy chain constant domains were

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linked to the V_H domain. In mammalian cells, secretion of immunoglobulin molecules is mediated by light chain, and free light chain is readily secreted [38]. However, free heavy chain is generally not secreted [39]. In a

5 bacterial expression system, the yield of secreted sFv with a V_L - V_H domain orientation was about 20-fold more than that obtained with a V_H - V_L domain orientation [40]. It was reasoned that V_L at the NH2-terminal position and V_H linked to heavy chain constant region in scUCHT1 construct might

10 enhance the secretion of this immunoglobulin-like molecule in mammalian cells. In fact scUCHT1 was efficiently produced by both COS-7 and SP2/0 cells. Hollow fiber culture should increase its production. Moreover, scUCHT1, the IgM-like molecule, has a secretory tailpiece

15 with a penultimate cysteine (Cys 575) which is involved in polymerization and also provides retention and degradation of IgM monomers [41-43]. Replacing the Cys 575 with serine might also greatly improve the yield.

20 scUCHT1 secreted from COS-7 cells was shown to be a divalent form by immunoblotting, suggesting a disulfide bond linkage of two monovalent molecules. The disulfide bond is likely situated between the CH2 and CH3 regions, where the Cys 337-Cys 337 disulfide bond is thought to

25 exist. Cys 337 is believed to be sufficient for assembly of IgM monomers, and was neither sufficient nor necessary for formation of polymers. However, Cys 575 was necessary for assembly of IgM polymers, and Cys 414 was not required for formation of IgM monomers or polymers [44]. This

30 divalent form of the single chain antibody should increase

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its binding affinity. While scUCHT1 produced from SP2/0 cells was mainly in the divalent form, a small fraction of the antibody had a higher molecular weight, nearly comparable to that of the human IgM pentamer, the natural
5 form of secreted human IgM.

Western blotting analysis of scUCHT1.

scUCHT1 was precipitated from the culture supernatant using goat anti-human IgM-Agarose (Sigma, St. Louis, MO, USA), and separated on 4-20% SDS-PAGE gradient gel under
10 reducing and non-reducing conditions. The separated proteins were transferred to ProBlott™ membrane (Applied Biosystems, Foster City, CA, USA) by electroblotting at 50 volts for 1 hour. The
15 membrane was blocked and incubated with alkaline phosphatase labeled goat anti-human IgM antibody (PIERCE, Rockford, IL, USA) following the manufacturer's instruction. Color development was carried out with substrate NBT/BCIP (PIERCE).

20

Purification of scUCHT1.

Culture supernatant was mixed with anti-human IgM-Agarose, and incubated at 4°C with shaking overnight, and then the mixture was transferred to a column. The
25 column was washed with washing buffer (0.01 M Na-phosphate, pH 7.2, 0.5 M NaCl) until the OD280 of flow-through was <0.01. scUCHT1 was eluted with elution buffer (0.1 M glycine, pH 2.4, and 0.15 M NaCl). The fractions were neutralized with 1 M Na-phosphate (pH 8.0)

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immediately, and then concentrated and dialyzed against PBS.

Competitive binding assay.

5 The parental antibody UCHT1 was iodinated using Bolton-Hunter Reagent (NEN, Wilmington, DE, USA) as described previously [34]. The ^{125}I -labeled UCHT1 was used as tracer and diluted with DMEM medium to 0.3-0.6 nM. UCHT1 and the purified scUCHT1 from COS-7 and SP2/0
10 transfectant cells were used as competitors. Human CD3 expressing Jurkat cells were suspended in DMEM medium ($2 \times 10^7/\text{ml}$). 50 μl of such cell suspension (1×10^6) was incubated with 50 μl diluted tracer and 50 ml diluted competitors on ice for 2 hours. Afterwards, cells were
15 pelleted, and counted in a gamma counter. Results were expressed as a percentage of the ^{125}I -UCHT1 bound to cells in the absence of competitors (Fig. 6).

scUCHT1 from both COS-7 and SP2/0 cells could
20 specifically inhibit the binding of ^{125}I -UCHT1 to Jurkat cells in a dose dependent way. As the concentration of the competitors (UCHT1, scUCHT1 from COS-7 and SP2/0 cells) increased from 1 to 100 nM, the tracer (^{125}I iodinated UCHT1) bound to Jurkat cells decreased
25 from 80% to nearly 0%. No significant difference was observed among the affinity curves of UCHT1 and scUCHT1 from COS-7 and SP2/0 cells. This indicates that the engineered antibody scUCHT1 has nearly the same affinity as UCHT1. Moreover, scUCHT1 contains human IgM constant
30 region, and is expected be less immunogenic than UCHT1.

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The degree of its immunogenicity might vary due to the murine variable region of scUCHT1. Humanized variable regions by CDR-grafting or human variable regions can be used to further reduce its immunogenicity [31].

5

T-cell proliferation assay.

T-cell proliferation in response to UCHT1 and scUCHT1 was tested on human PBMCs from a healthy donor (Fig. 7). Human peripheral blood mononuclear cells (PBMCs) were
10 isolated from blood of a healthy adult by density centrifuge over Ficoll-Hypaque gradient [34]. The PBMCs were resuspended in RPMI 1640 supplemented with 10% FCS and aliquoted to 96-well U-bottom plates at 5×10^4 cells/well. Increasing amounts of anti-CD3 antibodies
15 (UCHT1, scUCHT1) were added. After 72 hours of culture at 37°C in a humidified atmosphere containing 5% CO₂, 1 μ Ci [³H]thymidine (NEN) was added to each well. 16 hours later, cells were harvested and [³H]thymidine incorporation was counted in a liquid scintillation counter.

20

The parental antibody UCHT1 started to induce proliferation at 0.1 ng/ml, and peaked at 100 ng/ml. A small drop in CPM was observed as the concentration increased to 1,000 ng/ml. However, [³H]thymidine
25 incorporation in PBMCs incubated with scUCHT1 was only slightly increased in the range of 0.1 - 10 ng/ml, and when the concentration was higher than 10 ng/ml, the incorporated counts decreased and were close to 0 counts at 1,000 ng/ml.

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Measurement of TNF- α and IFN- γ .

TNF- α and IFN- γ productions of human PBMCs induced by UCHT1 and scUCHT1 were measured with ELISA. 4×10^5 PBMCs were cultured with serial dilutions of anti-CD3 antibodies (UCHT1, scUCHT1) in 96-well flat-bottom plates in RPMI 1640 supplemented with 10% FCS. Supernatant was collected at 36 hours for TNF- α and 72 hours for IFN- γ after the start of the culture [35]. TNF- α and IFN- γ were measured with ELISA kits (Endogen Inc. Cambridge, MA, USA) following the manufacturer's instruction.

The native antibody UCHT1 induced production of both TNF- α and IFN- γ in a dose dependent way (Fig. 8a and 8b). Higher concentration of UCHT1 induced higher production of TNF- α and IFN- γ . On the contrary, scUCHT1 did not induce secretion of TNF- α at any concentration (Fig. 8a), and inhibited IFN- γ production when its concentration was higher than 0.1 ng/ml (Fig. 8b). At the time of supernatant harvesting, the PBMCs cultured with UCHT1 and scUCHT1 were also checked with trypan blue exclusion test. Cells were shown to be alive in both situations. In TNF- α and IFN- γ ELISA assays, an unrelated human IgM was included and it did not affect the TNF- α and IFN- γ production.

25

Anti-CD3 mAbs can induce T cell activation and proliferation both in *in vitro* and *in vivo* situations [45]. Crossing-linking of anti-CD3 antibody between T cells and FcR expressing cells is an essential step in

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this process [46]. T cell activation therefore reflects an efficient interaction of the mAb with a human FcR. Previous data of *in vitro* study indicated that T cell activation resulted in increased production of TNF- α , IFN- γ , and IL-2 [24]. Human IgG Fc receptors (Fc γ R I, Fc γ R II, Fc γ R III) are distributed on human monocytes, T, B lymphocytes, and NK cells [47]. Fc γ R I and Fc γ R II can recognize both mouse and human IgG. In accordance with the above observation, UCHT1 was potent in induction of T cell proliferation and TNF- α and IFN- γ release. Human IgM Fc receptor (Fc μ R) was reported to be present mainly on a small fraction of B lymphocytes, NK cells, and possibly a helper subset of T lymphocytes [47, 48]. Pentamer form of IgM and an intact CH₃ domain are required for optimal binding to Fc μ R. Monomeric or dimeric subunits of IgM are less efficient in binding to Fc μ R [49, 50]. Cross-linking of IgM to Fc μ R on T cells inhibited the mitogen-induced T cell proliferation, and Fc μ R may function as a negative signal transducing molecule [51, 52].

20

Therefore, it can specifically bind to human CD3 molecule and Fc μ R. It is conceivable that scUCHT1 can cross-link human B and T cells, and possibly T and T cells. In an *in vitro* assay, scUCHT1 from both COS-7 and SP2/0 cells had little effect in the T cell proliferation assay at low concentrations (below 10 ng/ml), and became inhibitory as the concentration increased. In accordance with these results, scUCHT1 did not induce TNF- α production and even inhibited the basal yield of IFN- γ .

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The present chimeric anti-CD3 single chain antibody scUCHT1 possesses high human CD3 binding specificity and affinity, and does not induce T cell proliferation and cytokine release. Moreover, it has a human IgM Fc fragment, which should decrease the possibility of inducing human anti-mouse antibody response. Thus, scUCHT1 can be used for clinical immunosuppressive treatment.

10

EXAMPLE 11

Cloning the full-length of DT gene for the construction of DTM2.

15 Corynebacteriophage beta (*C. diphtheriae*) tox 228 gene sequence was from genebank. (*Science* 221, 885-858, 1983). The sequence is 2220 bp. There are 300 bp of 5' untranslated region (1 to 300) including the promoter sequence around (-180 to -10), 1682 of coding region (301-20 1983) including signal peptide (301 to 376), A chain (377 to 955) and B chain (956 to 1983), and 3' untranslated region (1984 to 2220).

The full-length DT was amplified in two fragments.

25 The pelB leader sequence (ATG AAA TAC CTA TTG CCT ACG GCA GCC GCT GGA TTG TTA TTA CTGCGCT GCC CAA CCA GCG ATG GCC 3') SEQ ID NO:1) was added to the 5' end of the DT coding sequenc to all the constructs during polymerase chain reaction by primer EcosignalDT-1 and EcosignalDT-2.

30 The upstream fragment of 311 bp (from position 301 to 546

- 80 -

bp) was amplified by oligo EcosignalDT-2 and p546R with CRM9 DNA as a template and the downstream fragment of 1471 bp was amplified by p514S and p1983R with the DTM1 DNA as template. Then, the combined PCR product of full-length DT
5 was amplified with primer EcosignalDT-1 and p1983R. As a result, the amplified DT coding sequence (position 376 to 1983bp) acquired the pelB leader sequence added to the 5' end and contains the two mutant sites [(508 Ser to Phe) and (525 Ser to Phe)] as DTM1 does.

10

Primers:

EcosignalDT-1 5' ATG AAA TAC CTATTG CCT ACG GCA GCC
GCT GGA TTG TTA TTA CTC GCT GCC CAA 3' (SEQ ID NO:2)

EcosignalDT-2 5' GGA TTG TTA TTA CTC GCT GCC CAA CAA
15 GCG ATG GCCGGC GCT GAT GATGTT GTT GAT TC 3' (SEQ ID NO:3)
p546R: 5' CGGTACTATAAACTCTTTCCAATCATCGTC 3' (SEQ ID NO:4)
p514S: 5' GACGATGATTGGAAAGAGTTTATAGTACCG 3' (SEQ ID NO:5)
p1983R: 5'AGATCTGTCTGA/CTCATCAGCTTTTGATTTCAAAAAATAGCG 3'
(SEQ ID NO:6).

20

A mutant residue was introduced at position 52. The glycine (GGG) at position 52 wild type DT was substituted by glutamic acid (GAG). The two primers p546R and p514S carried the mutant codon (GGG to GAG). The PCR products
25 of these two primers contained the substituted codon (GAG) instead of codon GGG. The jointed double stranded DNA of the two fragments (1683bp) were cloned into pET 17b by restriction site NdeI and BamHI.

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The data show that anti-human blocking antibodies are specifically directed at the toxin C-terminus. Although a specific sequence derived from the UCHT1 VLVH regions is described, anyone skilled in the art could make sequence variations in VLVH domains which can be designed to increase the affinity of the sc-anti-CD3-antibody conferring a more favorable therapeutic ratio to fusion immunotoxins using this derivative. Such modifications are within the scope of the present teaching. The disadvantage of the monovalent antibody VLVH construct, is that it has a lower affinity for T cells compared to the chemically coupled conjugate which utilizes a divalent antibody.

These are believed to be the first instances of a sc anti-CD3 antibodies. IgM was chosen since very few B cells or macrophages contain IgM Fc receptors. (Binding of immunotoxin to cells other than T cells reduces the specificity of the anti-T cell immunotoxin and this situation is purposefully avoided). However, using a bacterial expression system no carbohydrate is attached to the antibody which also eliminates Fc receptor binding. Thus, substituting other human IgG constant domains would be a routine modification and should be claimed.

A variety of divalent fusion protein immunotoxins are provided. These have been expressed in *E. coli*, and Western blots of reduced and non-reduced SDS gels confirm that most of the immunotoxin is secreted as the dimeric (divalent) species (Fig. 9). The position of the toxin

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has been varied in an attempt to minimize stearic hindrance of the divalent antibody site, yet provide the best interactions with the CD3 receptor to facilitate toxin translocation across the membrane. Fig. 10 diagrams PCR amplification. Figs. 11 and 12 show two different clones expressing divalent immunotoxin fusion proteins cartooned in Figs. 13 and 14, respectively. Another variation is shown in Fig. 15. The clone producing this consists of a clone constructed by using the single chain antibody followed by a stop codon and the single chain immunotoxin, all under one promotor (Better et al. *Proc. Natl. Acad. Sci.* 90:457-461, January 1993). After secretion and oxidation of the interchain disulfide, 3 species are present: sc divalent antibody, divalent fusion immunotoxin, and a divalent sc antibody containing only one toxin. This species is isolated by size separation and is the species cartooned in Fig. 15. The advantage of this species is that stearic hindrance to the divalent antibody domains is limited by the presence of only one toxin domain. Other variations are routine to construct given the methods described herein and in the art. Those diagramed are considered to be the most likely to exhibit divalent character. Numerous orientations of toxin relative to antibody domains can be made and many are expected to be effective.

In addition, the length of the toxin C-terminus has been varied to provide optimization between two competing functions. The numbers after DT refer to the number of amino acid residues counting the amino terminus of the

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toxin A chain as 1. The full length toxin is called DTM1 and was provided by Dr. Richard Youle NINDS, NIH (Nicholls et al. *J. Biol. Chem.* 268(7):5302-5308, 1993). It has point mutations S to F at positions 508 and 525. This
5 full length toxin mutant has the essential mutation of CRM9, S to F at 525 which reduces binding to the DT receptor by 3-4 logs without abolishing the translocation function. The other mutation S to F at 508 has been added because of previous restrictions on cloning mutant DT that
10 can revert to wild type toxin with a minimum lethal dose of 0.1 microgram/kg by means of a single base pair reversion. Other mutations can be routinely made in the C terminus to perform this function (Shen et al. *J. Biol. Chem.* 269(46):29077-29084, 1994). They are: F530A;
15 K526A; N524A; V523A; K516A Y514A. A clone having a single point mutation in DT reducing toxicity by 10-100 fold can be made providing that the clone contains an antibody fragment fusion protein, because chemical conjugation of antibody to DT has been shown to reduce systemic wild type
20 toxin toxicity by 100 fold (Neville et al. *J. Biol. Chem.* 264(25):14653-14661, 1989). Therefore, the present invention provides a full length mutant DT sequence with the 525 S to F mutation alone as well as those listed above. These same mutations are also contemplated for the
25 B chain mutant site in DTM2 and can be made similarly. Previous data with chemical conjugation has shown that the longer the C-terminus the better the translocation function (Colombatti et al. *J. Biol. Chem.* 261(7):3030-3035, 1986). However, the shorter the C-terminus the less
30 effect of circulating anti-toxin blocking antibodies.

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Since patients have different levels of blocking antibodies which can be measured (see toxicity assay in), the optimal immunotoxin can be selected for individual patients. scUCHT1 fusion proteins with DTM1 and DT483 (see Fig. 16), DT390 (Fig. 17) and DT370 (Fig. 18) have been cloned and expressed in *E. coli*. Each of these variations as well as the divalent scUCHT1 fusion proteins using each of these toxin domains are provided.

10 The present invention provides an improvement on CRM197 (a non-toxic toxin mutant described in U.S. Serial No. 08/034,509, filed September 19, 1994) referred to herein as DTM2. DTM2 has the same mutation as CRM197 plus two mutations in the C-terminus which block binding (see 15 sheet and Fig. 9). This is expected to reduce the likelihood of immune complex disease which could result when CRM197 becomes bound to cells and then is further bound by circulating antitoxin. Kidneys are particularly susceptible. DTM2 can not bind to cells thereby lessening 20 the possibility of tissue damage. In addition DTM2 is made for high level production by including the pelB secretory signal for production in *E. coli* or a iron independent mutated promoter DT sequence cloned from CRM9 DNA for production in *C. diphtheriae*. The essential 25 feature of DTM2 is the S to F mutation at 525 and the G to E mutation at 52, and a construct containing these two mutations is provided.

30 All of the constructs reported here can be expressed in *E. coli* using pelB signal sequences or other

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appropriate signal sequences. Expression can also be carried out in *C. diphtheriae* using appropriate shuttle vectors (Serwold-Davis et al. *FEMS Microbiol. Letters* 66:119-14, 1990) or in protease deficient strains of *B. subtilis* and using appropriate shuttle vectors (Wu et al. *Bio. Technol.* 11:71, January 1993).

10

Example 12**Thymic Injection and Tolerance Induction in Primates**

Without thymic treatment, rhesus monkey renal allografts reject at a mean of 7 days. Renal allografts in rhesus monkeys (age 2-5 years; 2-3 kg body weight) were performed. The experimental protocol consisted of first selecting MHC class I disparate rhesus monkey donors and recipients. Donor lymphocytes were injected into the recipient thymus gland 7 days prior to renal allografting from the same donor. Recipients received the immunotoxin of the present invention by intravenous injection. Renal allografts were performed and recipients underwent native nephrectomy.

25 Immunotoxin

Techniques for preparing anti-CD3-CRM9 (where the antibody is directed at the human T-cell receptor complex "CD3") have previously been described. See U.S. patent 5,167,956 and D. Neville et al., 89 P.N.A.S. USA 2585-2589 (1992). A hybridoma secreting UCHT1 was kindly provided

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by Dr. Peter Beverly, Imperial Cancer Research Fund, and was grown in ascites fluid and purified over immobilized Protein A. This is an IgG1.

5 FN18, also an IgG1, is the rhesus analog of UCHT1 and shares with it the property of being a T-cell mitogen in the presence of mixed mononuclear cells. FN18 was produced in hollow fiber and purified over Protein A. The strain of *C. diphtheriae* used for production of CRM9, C7
10 (β h tox-201 tox-9 h') was obtained from R. Holmes, Uniformed Services University of Health Sciences, Bethesda, MD. See also V. Hu et al., 902 *Biochimica et Biophysica Acta* 24-30 (1987).

15 Antibody-CRM9 was recovered from the supernatant of 30 liter fermentation runs under careful control of iron concentration. See S.L. Welkos et al., 37 *J. Virol.* 936-945 (1981). CRM9 was purified by membrane concentration, ammonium sulfate precipitation and chromatography over
20 DEAE. See S. Carroll et al., 165 *Methods In Enzymology* 68 (1988).

Large scale purification of immunotoxin was accomplished by HPLC size exclusion chromatography on
25 MODcol (1266 Andes Blvd., St. Louis, Missouri 63132) 2"x10" column packed with Zorbax (DuPont Company) GF-250 5 μ m, 150 Å. Fractions containing 1:1 toxin:antibody mol ratios were isolated for these studies.

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Immunotoxins were synthesized as previously described by thiolating both the monoclonal antibody moiety and the toxin moiety and then crosslinking with bismaleimido-hexane. See D. Neville et al., 264 J. Biol. Chem. 14653-14661 (1989). CRM9 was nicked and the monomer (Carroll et al.) was isolated by the MODcol column described above prior to thiolation.

While CRM9 is a preferred mutant diphtheria toxin protein, other preferred embodiments include diphtheria mutants with a mutation in the DT binding region, such as DT390 (see example 9), should also be suitable (as the concept behind the immunotoxin is to replace the normal binding function with the antibody provided T-cell binding function, with minimal conformational change).

T-Cell Ablation

Monoclonal antibody FN18 (specific for rhesus monkey T lymphocytes) coupled to the immunotoxin CRM9 was used to deplete peripheral blood T-cells to levels below 200 cells /M13 in adult rhesus monkeys (measured six days after the injection). Some modest B cell depletion occurred. Following depletion, complete T-cell recovery takes about three to four weeks in a juvenile rhesus monkey model using this agent. Surprisingly, notwithstanding this fast recovery, donor T-cells injected into the thymus still were not impaired in their ability to tolerize.

Four monkeys received .2 mg/kg of immunotoxin, in three divided doses (24 hours apart from each other).

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Another monkey received .133 mg/kg immunotoxin in two divided doses (24 hours apart from each other), and the other monkey received .1 mg/kg in two divided doses (24 hours apart from each other). Two days after the last
5 dose of immunotoxin, all monkeys except the last had at least 80% (actually greater than 99%) depletion of T cells both in the peripheral blood and in the lymph nodes. The lowest dose used in the last monkey reduced, but did not substantially eliminate either peripheral blood or lymph
10 node lymphocytes.

Lymphocytes

Lymphocytes to be donated are preferably pooled from axillary and cervical lymph nodes of a single donor. The
15 nodes are harvested, strained through a mesh to separate the lymphocytes, diluted with saline, and then injected. Alternatively, a representative "cocktail" of lymphocytes from several primates other than the donor, at least one of which turns out to be the same haplotype as the likely
20 donor, should also work (if the donor is not available early enough).

Transplantation

Table 7 summarizes the outcome of renal transplants
25 performed following thymic injection of donor lymph node lymphocytes (mixture of T and B cells) combined with immunotoxin therapy. Cells injected intrathymically consisted of the pooled axillary and inguinal lymph node lymphocytes in the numbers listed.

TABLE 7 - Renal Allograft Survival by Treatment Group*

<u>Monkey</u>	<u>Intrahymic injection</u>	<u>FN18-CRM9</u>	<u>Survival (days)</u>
T4T	none	none	5
X9X	none	none	7
1FE	none	none	7
H7C	10.6 x 10 ⁸ donor lymphocytes	none	1
W7C	9.1 x 10 ⁸ donor lymphocytes	none	1
93023	7.0 x 10 ⁸ donor lymphocytes	0.2 mg/kg	>517
92108**	1.9 x 10 ⁸ donor lymphocytes	0.2 mg/kg	181
POJ	7.5 x 10 ⁸ donor lymphocytes	0.2 mg/kg	> 340
POF	normal saline	0.2 mg/kg	> 368
PIP	normal saline	0.2 mg/kg	> 250
W7D	none	0.2 mg/kg	51
POG	none	0.2 mg/kg	84
PIN	none	0.2 mg/kg	> 165
X3J	none	0.2 mg/kg	> 117

* FN18-CRM9 was given on day -7, -6, -5 at a total dose of 0.2 mg/kg, i.v. Lymphocytes and saline were injected intrathymically on day -7. ** (acute rejection 40 days after skin graft)

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Two monkeys died of pneumonia, one at 39 days and the other at 13 days. A third monkey died at 8 days of complications stemming from a urine leak. At autopsy, none of these three monkeys had any evidence of renal transplant rejection, either grossly or histologically.

Monkey #93023, which received the intrathymic injection and immunotoxin seven days prior to renal transplantation, had normal renal function more than 180 days post-transplant. A renal biopsy of his transplanted kidney at 100 days showed no evidence of rejection.

Surgical Procedures

Preferred surgical procedures include partial median sternotomy for exposure of the thymus and injection of donor lymphocytes into the thymus gland; inguinal and axillary lymphadenectomy to procure donor lymphocytes; laparotomy for procurement of the left kidney from kidney donors; and a second laparotomy for renal transplantation and native right nephrectomy. All of these procedures are performed under general anesthesia as outlined below. Serial blood draws are performed under ketamine and xylazine anesthesia as outlined below.

Thymic injection is performed through a midline chest incision beginning at the sternal notch extending down to the midportion of the sternum. The sternum is divided and retracted to expose the underlying thymus gland. The thymus gland is injected with donor lymphocytes and the sternum reapproximated and the soft tissue closed.

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Donor nephrectomy is performed under general anesthesia through an upper midline incision in the abdomen. The retroperitoneal attachments of the left kidney are divided, the ureter is ligated and divided near
5 the bladder, and the left renal artery and vein are dissected free. The left renal artery and vein are ligated adjacent to the aorta and inferior vena cava, and the kidney excised and flushed on the back table with preservation solution.

10

The recipient operation for renal transplantation is performed by making a midline abdominal incision under general anesthesia. The distal aorta and inferior vena cava are dissected free. The vena cava is clamped
15 proximally and distally near its bifurcation and the donor renal vein anastomosed end-to-side to the recipient inferior vena cava using running 7-0 proline suture. The aorta is cross-clamped proximally and distally just proximal to its bifurcation and the donor renal artery
20 anastomosed end-to-side to the aorta using running 8-0 proline. A ureteroneocystostomy is then performed by making an anterior cystotomy and anastomosing the spatulated tip of the donor ureter to the bladder mucosa using 8-0 proline suture. The cystotomy is then closed.
25 The abdomen is then closed.

Lymphadenectomy is performed through an approximately 2 cm groin incision for inguinal lymphadenectomy and a similar length incision for axillary lymphadenectomy. The

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lymph nodes are excised and bleeding points cauterized. The skin is then closed with running 4-0 nylon suture.

It should be appreciated that kidney transplants are
5 merely an example application. The invention should be suitable for use with a wide variety of organs (e.g. liver, heart, lung, pancreas, pancreatic islets and intestine).

10 In sum, surprisingly immunotoxins known to severely deplete T-lymphocytes will selectively deplete the host lymphocytes, without interfering with the donor T lymphocytes ability to cause tolerization. Further, the extreme level of depletion caused by this immunotoxin
15 facilitates tolerization.

EXAMPLE 13

Anti-CD3-CRM9 Immunotoxin Promotes Tolerance in Primate Renal Allografts

20

The ability of thymic injection and transient T lymphocyte depletion to permit development of donor-specific tolerance to rhesus monkey renal allografts was investigated. For T cell ablation, the immunotoxin
25 FN18-CRM9, was used that depletes T cells from both the lymph node and blood compartments (see Example 5 and Neville et al. J Immunother 1996 (In press)). FN18-CRM9 is composed of an anti-rhesus monkey CD3 monoclonal antibody (mAb), FN18 (Neville et al., 1996), and a binding
30 site mutant of diphtheria toxin, CRM9 (Neville et al. Proc

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Natl Acad Sci USA; 89: 2585-2589 (1992)). Compared to other anti-T cell agents used in clinical and experimental transplantation, FN18-CRM9 produces more effective killing of T cells, and this was the rationale for its choice as
5 an agent to promote transplantation tolerance. Anti-CD3-CRM9 alone successfully delayed graft rejection. T cell depletion with anti-CD3-CRM9 combined with thymic injection prolonged graft survival to > 150 days in five of five recipients and induced donor-specific tolerance in
10 four of five recipients. Donor skin grafts were accepted long-term, whereas third party skin grafts were promptly rejected. These results are unique in their reliable induction of donor-specific tolerance as confirmed by skin grafting in a non-human primate model. This approach to
15 tolerance reasonably correlates to induction of tolerance in humans.

MHC Typing and Donor-Recipient Selection.

Donor-recipient pairs were selected based on
20 maximizing MHC disparity. This was based on pre-transplant cytotoxic T lymphocyte (CTL) and mixed lymphocyte reaction (MLR) analysis (Derry H, Miller RG, Fathman CG, Fitch FW, eds. New York: Academic Press, 510 (1982) and Thomas et al. Transplantation, 57:101-115 (1994)), analysis of MHC
25 class I differences by one-dimensional isoelectric focusing (1-D IEF) (Watkins et al. Eur J Immunol; 18:1425-1432 (1988)), and evaluation of MHC class II by PCR-based analysis.

30 Flow Cytometry.

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Two x 10^5 lymphocytes obtained from peripheral blood or inguinal, axillary, or mesenteric lymph nodes were stained with FITC-labeled FN18 or isotype control antibody. Cells were subjected to flow cytometry on a
5 Benton Dickenson FACSCAN.

Animals and Surgical Procedures.

Outbred male juvenile rhesus monkeys (ages 1 to 3 years), virus free, were used as donors and recipients.

10 Surgical procedures were performed under general anesthesia, using ketamine, 7 mg/kg, i.m., and xylazine, 6 mg/kg, i.m. induction, and inhalation with 1% halothane to maintain general anesthesia. Post-operatively, monkeys received butorphanol, 0.25 mg/kg, i.v., and aspirin, 181
15 mg, p.o., for pain control. Thymic injection was performed via a limited median sternotomy to expose the thymus gland. Seven days before renal transplantation, each lobe of the thymus was injected with donor lymphocytes suspended in 0.75 to 1.0 ml normal saline using a 27 gauge
20 needle. Donor lymphocytes were procured from the inguinal, axillary, and mesenteric lymph nodes of the donor, counted and resuspended in normal saline for injection.

Heterotopic renal transplants were performed using the donor left kidney. Following transplantation, the
25 recipient underwent native nephrectomy. Graft function was monitored by measuring serum creatinine. Rejection was diagnosed by rise in serum creatinine to > 0.07 mol/L, no evidence of technical problems, such as urine leak or obstruction at autopsy, and histologic confirmation.

30 Monkeys were killed with a lethal dose of sodium

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pentobarbital if they rejected their kidney, and were autopsied. To test for tolerance, full thickness skin grafts were placed using ventral abdominal skin from donors placed onto the dorsal upper back of recipients.

5 Grafts were evaluated daily by inspection.

Immunosuppression.

FN18-CRM9 was chemically conjugated and purified as described (Neville et al. 1996). It was administered
10 intravenously at a dose of 0.2 mg/kg in 3 divided daily doses starting 7 days prior to renal transplantation. No additional immunosuppressive drugs were given to any of the monkeys, and monkeys were not isolated from environmental pathogens.

15

The effect of FN18-CRM9 on rhesus peripheral blood lymphocytes and lymph node lymphocytes is summarized in Figures 19a and 19b. In addition to causing transient T cell depletion from the peripheral blood, FN18-CRM9
20 depleted lymph node lymphocytes almost completely at the dose given and when measured 0-4 days after the third dose of drug. Absolute leukocyte counts did not change significantly with treatment. Recovery times were variable, but in general peripheral blood T lymphocytes
25 returned toward baseline levels 2 to 4 weeks following treatment. Recovery rates varied between individual monkeys.

Untreated monkeys acutely rejected their allografts
30 (n=3) within one week (Table 7). Monkeys receiving

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lymphocytes intrathymically but no anti-CD3-CRM9 developed hyperacute rejection within 24 hours (Table 7) with the typical histologic features of hemorrhage, infarction, and a dense neutrophil and lymphocyte infiltrate. Three of
5 three recipients treated with donor lymphocytes intrathymically and anti-CD3-CRM9 had long-term graft survival (Table 7). One monkey (92108) rejected its kidney 40 days after a donor and third party skin graft were placed to test for donor-specific tolerance. This monkey
10 rejected its third party skin graft at 10 days and a lymphocyte infiltrate in the donor skin graft developed with rejection of the renal allograft 40 days later. The other two recipients of donor lymphocytes and anti-CD3-CRM9 were successfully skin grafted from the
15 donor with survival of these skin grafts for more than 100 days, but rejection of third party skin grafts at 10 days. All biopsies of their renal allografts showed an interstitial infiltrate but no evidence of glomerular or tubular infiltrates or injury. Two monkeys receiving
20 normal saline injections in the thymus in combination with anti-CD3-CRM9 became tolerant of their renal allografts. Both of these monkeys rejected a third party skin graft at 10 days and have had long-term survival of donor skin grafts. The results of all skin grafts are summarized in
25 Table 8. Renal biopsies of long-surviving tolerant recipients demonstrated focal interstitial mononuclear infiltrates without invasion or damage of tubules or glomeruli. Monkeys treated with anti-CD3-CRM9 alone developed late rejection in two cases at day 54 and day 88
30 and the histology of their kidneys at autopsy demonstrated

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a dense lymphocytic infiltrate. In two other cases, long-term unresponsiveness was observed (Table 7) to > 127 days and > 79 days. The thymuses of the two monkeys which rejected their grafts were markedly decreased in size at 5 autopsy compared to age-matched controls prior to treatment, but a small thymic remnant was identified.

The data demonstrate that anti-CD3-CRM9 is a potent, new immunosuppressive agent which is capable of inducing 10 tolerance in outbred MHC class I and class II disparate rhesus monkeys. This attribute distinguishes it from other currently known immunosuppressive agents, such as antithymocyte globulin, cyclosporine, or monoclonal antibodies which have more limited efficacy or safety in 15 tolerance induction in large mammals or which require more cumbersome strategies (Powelson et al., Transplantation 57: 788-793 (1994) and Kawai et al., Transplantation 59: 256-262 (1995)). The degree of T cell depletion produced by 3 doses of the drug is more complete than that achieved 20 by a longer course of anti-lymphocyte globulin, which generally depletes to a much lesser degree (Abouna et al., Transplantation 59: 1564-1568 (1995) and Bourdage JS, Hamlin DM, Transplantation 59:1194-1200 (1995)). Unlike OKT3, an activating antibody which does not necessarily 25 kill T lymphocytes, anti-CD3-CRM9 is a lytic therapy with a more profound effect on T cells than OKT3 and better potential for tolerance induction. Its efficacy may be in part related to its ability to deplete T cells in the lymph node compartment, as well as in peripheral blood, 30 since the majority of potentially alloreactive T cells

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reside in the lymph node compartments. The T cell depletion produced by anti-CD3-CRM9 is more complete than that achieved by any other known pharmacologic means, including total lymphoid irradiation, and it avoids the toxic side effects of radiation. Following treatment with the anti-CD3-CRM9, the thymus decreases markedly in size, although thymic cortex and medullary structures are still apparent. Anti-CD3-CRM9 appears to be safe and well tolerated in rhesus monkeys. No significant adverse drug effects were encountered. About half of the monkeys were treated with intravenous fluids for 3 to 5 days following administration to prevent dehydration. No infections were encountered in these experiments and only routine perioperative antibiotic prophylaxis was used at the time of renal transplantation and thymic injection. Cytokine release syndrome was not seen and monkeys did not develop febrile illness following drug administration.

The uniform induction of tolerance in monkeys receiving thymic injection of either donor lymphocytes or normal saline in conjunction with anti-CD3-CRM9 suggests that thymic injection may provide an adjunct to tolerance induction using T cell depletion with anti-CD3-CRM9. Presumably, CD3+ lymphocytes present in the donor lymphocyte inoculum are also killed by the drug administered to the recipients. This would leave donor B cells to express donor MHC class I and class II in the recipient thymus. Rodent studies would suggest that it is the presence of one or both of these antigens that is crucial to promoting thymic tolerance (Goss JA, Nakafusa

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Y, Flye MW, Ann Surg 217: 492-499 (1993); Knechtle et al.,
Transplantation 57: 990-996 (1994) and Oluwole et al.,
Transplantation 56: 1523-1527 (1993)). Of even more
interest is the observation that normal saline injected
5 into the thymus in conjunction with anti-CD3-CRM9 produced
tolerance in two of two recipients. Surprisingly, the
success of this approach suggests that immunotoxin rather
than thymic injection is crucial. Alternately,
non-specific disruption of thymic integrity may contribute

10

The observation that two of four recipients treated
with anti-CD3-CRM9 alone became tolerant suggests that
transient depletion of T cells by the drug is crucial in
promoting tolerance. In rodents, transplant tolerance can
15 be achieved by concomitant administration of donor antigen
and anti-T-cell agents (Qin S et al., J Exp Med 169:
779-794 (1989); Mayumi H, Good R.A., J Exp Med 1989;
169: 213-238 (1989); and Wood ML et al., Transplantation
46: 449-451 (1988)), but this report demonstrates
20 donor-specific tolerance using T cell specific therapy
alone. The depletion of T cells from the lymph node
compartment by anti-CD3-CRM9 may be crucial in promoting
its efficacy as a tolerizing agent and differentiate it
from anti-CD3 mAb alone which depletes the peripheral
25 blood CD3 cells, but has a weaker effect on the lymphoid
tissues (Hirsch et al., J Immunol 140: 3766-3772 (1988)).
These experiments using an outbred, MHC incompatible
non-human primate model provide a rationale for tolerance
strategies in human organ transplantation. The results are
30 unique in offering a simple, reliable, and safe approach

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to tolerance in a model immunologically analogous to human solid organ transplantation. An anti-human CD3 immunotoxin (e.g., scUCHT1-DT390 and anti-CD3-CRM9) has been constructed and has T cell killing properties similar
5 to FN18-CRM9 (see Examples 9 and 11 Neville 1992 and Neville 1996). The preliminary results reported here have broad implications for tolerance in humans.

In summary, immunotoxin treatment alone leads to
10 marked prolongation of graft survival in 50% of the cases to date. However eliminating the thymic manipulation reduces the success rate by at least 50%. Thymic manipulation may induce apoptosis of thymic precursors and this could be beneficial. No other drug or treatment
15 regimen comes close to achieving these results in primates.

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Table 8 - Skin Graft Results

<u>Monkey</u> <u>(days)</u>	<u>Interval after</u> <u>kidney transplant</u>	<u>3rd party</u> <u>skin survival</u> <u>(days)</u>	<u>Donor skin</u> <u>survival</u>
93023	182	10	> 367
92108	140	1040	(and renal allograft rejection)
POF	147	10	> 221
POJ	188	10	> 152
PIP	176	10	> 74

EXAMPLE 14**Immunotoxin Alone Induces Tolerance**

5 Depletion of mature T cells can facilitate stable
acceptance of MHC mismatched allografts, especially when
combined with donor bone marrow infusion. Although ATG
and anti-T cell mAbs eliminate recirculating cells,
residual T cells in lymphoid tissue have potential to
10 orchestrate immune recovery and rejection. Unlike pure
antibodies, CD3-immunotoxin (CD3-IT) can destroy cells
following direct binding and intracellular uptake without
limitations of immune effector mechanisms. Thus, CD3-IT
may have superior immunosuppressive activity. The action
15 of CD3-IT in rhesus monkey kidney transplant recipients
was examined.

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The present example of CD3-IT is a conjugate of IgG1 mAb anti-rhesus CD3 epsilon (FN18) and a mutant diphtheria toxin CRM9 (FN18-CRM9). The β chain of CRM9 diphtheria toxin bears a mutation that markedly reduces binding to diphtheria toxin receptors, allowing specificity to be directed by anti-CD3.

CD3-IT was administered to 3-5 kg normal male rhesus monkey allograft recipients at a dose of 7 ug/kg on days -1 and 33 ug/kg on days +0 and +1 without additional immunosuppressive drugs. Recipient-donor combinations were selected to be incompatible by MLR and multiple DR allele mismatches; and all were seronegative for CRM9-reactive antibody to diphtheria toxin. Three groups received CD3-IT: (1) alone (n=3), (2) in combination with day 0 infusion of donor bone marrow DR-CD3 (n=3), (3) or with donor bone marrow and 200 cGy lymphoid irradiation given on days -1 and 0 (n=3).

Kidney allograft survival was remarkably prolonged. With CD3-IT alone, graft survival time was 57, 51, and 44 days. In combination with donor bone marrow infusion, graft survival was >400, 124, and 36 days. CD3-IT, lymphoid irradiation, and donor bone marrow resulted in graft survival of >300, 143, and 45 days. Both the 36 or 45 day graft losses were from hydronephrosis without evidence of rejection. Peripheral blood T cell counts fell selectively by 2 logs, and time to 50% recovery was 20-60 days. The peripheral blood CD3+CD4/CD8 ratio increased 2-6 fold before adjusting to baseline by 3

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weeks. B cell/T cell ratios in lymph nodes were elevated >40-fold on day 5-7, reflecting a 1-2 log reduction in circulating and fixed tissue T cell compartments. LN CD4/CD8 ratios were normal at 5-7 days, but CD45RA+CD4 and
5 CD28-CD4 cell subsets increased >1 log while CD28+ CD8 cells decreased by >1 log, suggesting functional subset changes.

Anti-donor MLR responses became reduced uniformly,
10 but specific unresponsiveness was seen only in the donor bone marrow-treated group. Peripheral blood microchimerism was detectable by allele specific PCR after donor bone marrow-infusion. These studies show CD3-IT to be an unusually effective and specific immunosuppressive
15 agent in non-human primate transplantation and provides clinical tolerance induction strategies applicable to transplantation in humans.

Throughout this application various publications are
20 referenced by numbers within parentheses. Full citations for these publications may be found at the end of the specification immediately preceding the claims. Also, some publications mentioned hereinabove are hereby incorporated in their entirety by reference. The
25 disclosures of these publications in their entireties are hereby incorporated by reference into this application in order to more fully describe the state of the art to which this invention pertains.

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While the foregoing invention has been described in some detail for purposes of clarity and understanding, it will be appreciated by one skilled in the art from a reading of this disclosure that various changes in form
5 and detail can be made without departing from the true scope of the invention and appended claims.

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SEQUENCE LISTING

(1) GENERAL INFORMATION:

- (i) APPLICANT: Knechtle, Stuart J.
Neville, David M.
Scharff, Joshua E.
Thomas, Judith
- (ii) TITLE OF INVENTION: AN IMMUNOTOXIN WITH IN VIVO T CELL
SUPPRESSANT ACTIVITY AND METHODS OF USE
- (iii) NUMBER OF SEQUENCES: 6
- (iv) CORRESPONDENCE ADDRESS:
 - (A) ADDRESSEE: NEEDLE & ROSENBERG, P.C.
 - (B) STREET: Suite 1200, 127 Peachtree Street
 - (C) CITY: Atlanta
 - (D) STATE: Georgia
 - (E) COUNTRY: USA
 - (F) ZIP: 30303
- (v) COMPUTER READABLE FORM:
 - (A) MEDIUM TYPE: Floppy disk
 - (B) COMPUTER: IBM PC compatible
 - (C) OPERATING SYSTEM: PC-DOS/MS-DOS
 - (D) SOFTWARE: PatentIn Release #1.0, Version #1.30
- (vi) CURRENT APPLICATION DATA:
 - (A) APPLICATION NUMBER:
 - (B) FILING DATE:
 - (C) CLASSIFICATION:
- (viii) ATTORNEY/AGENT INFORMATION:
 - (A) NAME: Spratt, Gwendolyn D.
 - (B) REGISTRATION NUMBER: 36,016
 - (C) REFERENCE/DOCKET NUMBER: 14014.0187
- (ix) TELECOMMUNICATION INFORMATION:
 - (A) TELEPHONE: 404/688-0770
 - (B) TELEFAX: 404/688-9880

(2) INFORMATION FOR SEQ ID NO:1:

- (i) SEQUENCE CHARACTERISTICS:
 - (A) LENGTH: 67 base pairs
 - (B) TYPE: nucleic acid
 - (C) STRANDEDNESS: single
 - (D) TOPOLOGY: linear
- (ii) MOLECULE TYPE: DNA (genomic)

- 110 -

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(ii) MOLECULE TYPE: DNA (genomic)

- 111 -

(xi) SEQUENCE DESCRIPTION: SEQ ID NO:4:

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- (E) H can be A or C

(ii) MOLECULE TYPE: DNA (genomic)

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40

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What is claimed is:

1. A method of inhibiting a rejection response by inducing immune tolerance in a recipient to foreign mammalian donor cells, comprising the steps of:

a) exposing the recipient to an immunotoxin so as to safely reduce the recipients's T-cell lymphocyte population by at least 80%, wherein the immunotoxin is anti-CD3 antibody linked to a diphtheria protein toxin, wherein the protein has a binding site mutation that reduces binding; and

b) transplanting the donor cells into the recipient, such that a rejection response by the recipient to the donor organ cell is inhibited.

2. The method of claim 1, wherein the donor cells constitute an organ.

3. The method of claim 1, wherein the donor cells constitute tissue from an organ.

4. The method of claim 1, wherein the donor cells are allogeneic.

5. The method of claim 1, wherein the donor cells are xenogeneic.

6. The method of claim 1, wherein the exposure step reduces the recipient's T-lymphocyte population by at least 95%.

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7. The method of claim 1, wherein the immunotoxin is anti-CD3-CRM9.

8. The method of claim 1, further comprising administering to the thymus gland a thymic apoptosis signal.

9. The method of claim 1, wherein the thymic apoptosis signal comprises a corticosteroid.

10. The method of claim 1, further comprising thymic injection of lymphocytes having MHC antigen of the same haplotype as the MHC of the donor cell.

11. The method of claim 1, further comprising administering an immunosuppressant compound.

12. The method of claim 11, wherein the immunosuppressant compound is cyclosporin.

13. The method of claim 11, wherein the immunosuppressant compound is mycophenolate mofetil.

14. The method of claim 8, further comprising administering an immunosuppressant compound.

15. The method of claim 14, wherein the immunosuppressant compound is cyclosporin.

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16. The method of claim 14, wherein the immunosuppressant compound is mycophenolate mofetil.

17. The method of claim 1, wherein the donor organ cell is from a live donor, and wherein the immunotoxin is administered from 15 hours to 7 days before the transplanting step.

18. The method of claim 1, wherein the donor organ cell is from a cadaver and is from kidney, and wherein the immunotoxin is administered from 6 to 15 hours before the transplanting step.

19. The method of claim 1, wherein the donor organ cell is from a cadaver and is selected from the group consisting of heart, lung, liver, pancreas, pancreatic islets and intestine, and wherein the immunotoxin is administered from 0 to 6 hours before the transplanting step.

20. The method of claim 1, further comprising administering donor bone marrow at the same time, or after, the exposure step.

21. The method of claim 8, wherein the thymic apoptosis signal comprises lymphoid irradiation.

22. The method of claim 1, wherein the immunotoxin comprises a mutant diphtheria toxin moiety linked to a

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single chain variable region antibody which routes by the anti-CD3 pathway, or derivatives thereof.

23. The method of claim 1, wherein the immunotoxin is scUCHT1-DT390.

24. The method of claim 1, further comprising administering a non-toxic mutant of diphtheria toxin before, or at the same time as the exposure step.

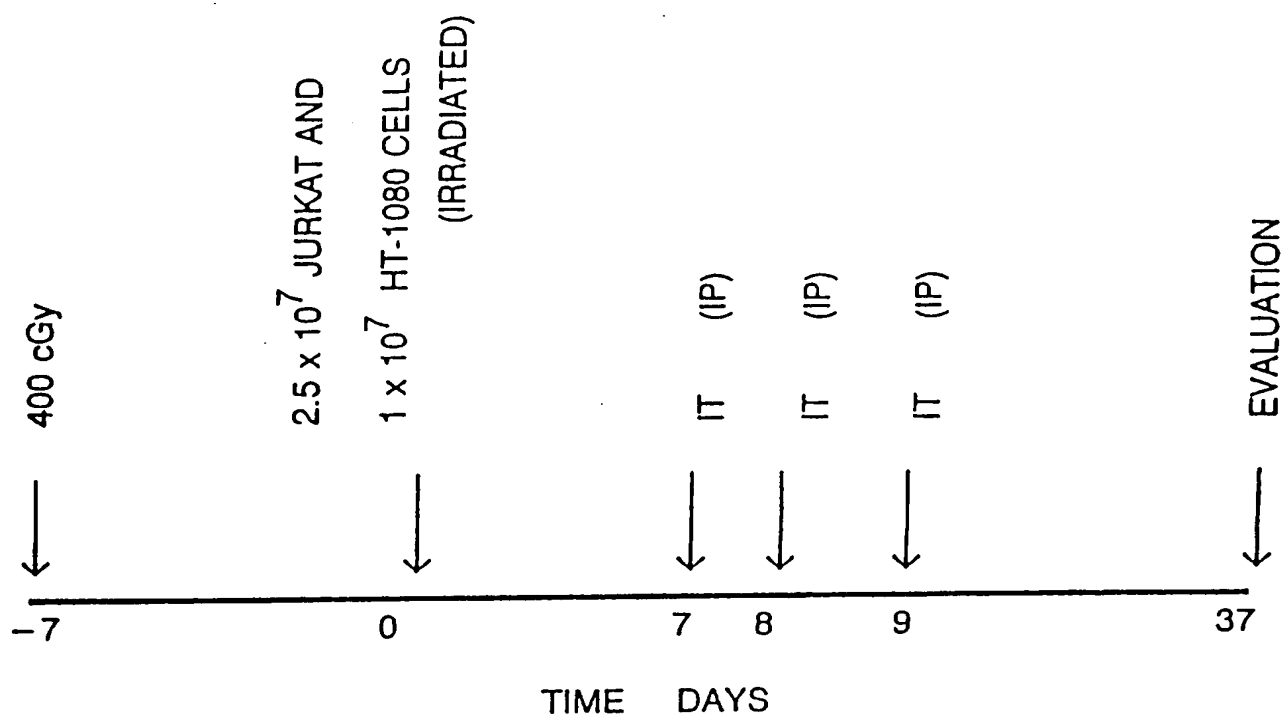
25. The method of claim 24, wherein the non-toxic mutant of diphtheria toxin is CRM197.

26. The method of claim 1, wherein the immunotoxin is an anti-V β -CRM9.

27. The method of claim 4, wherein the immunotoxin is an anti-V α -CRM9.

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Figure 1



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Fig. 2 A

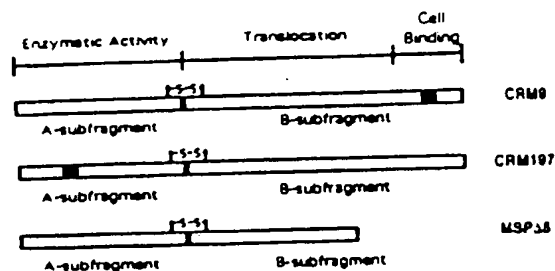


Fig. 2 B

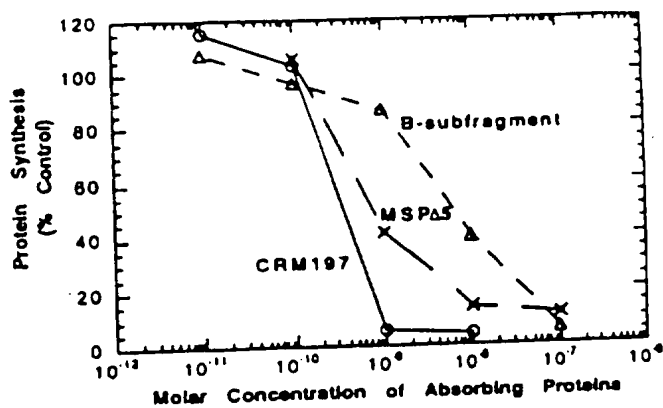
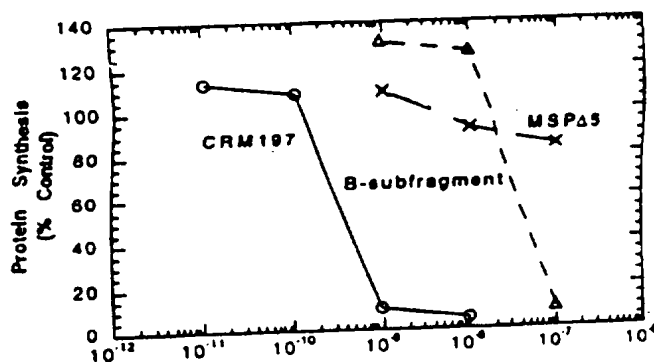


Fig. 2 C



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Fig. 3 A

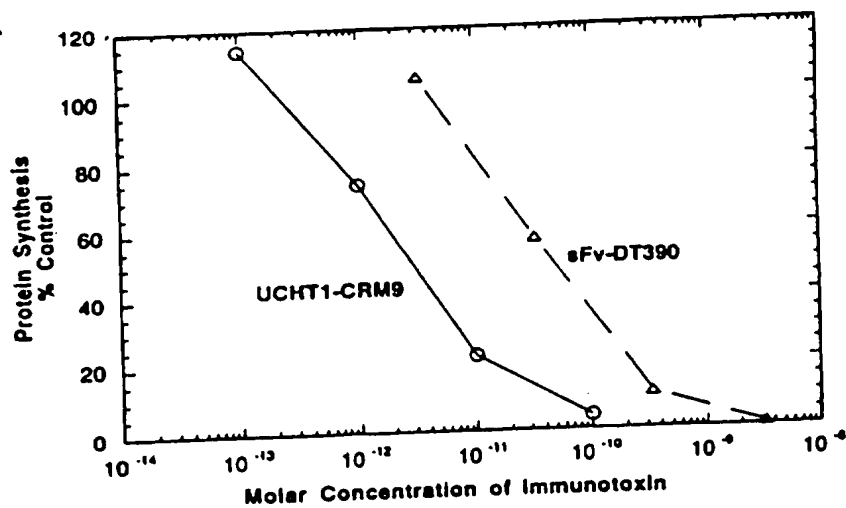
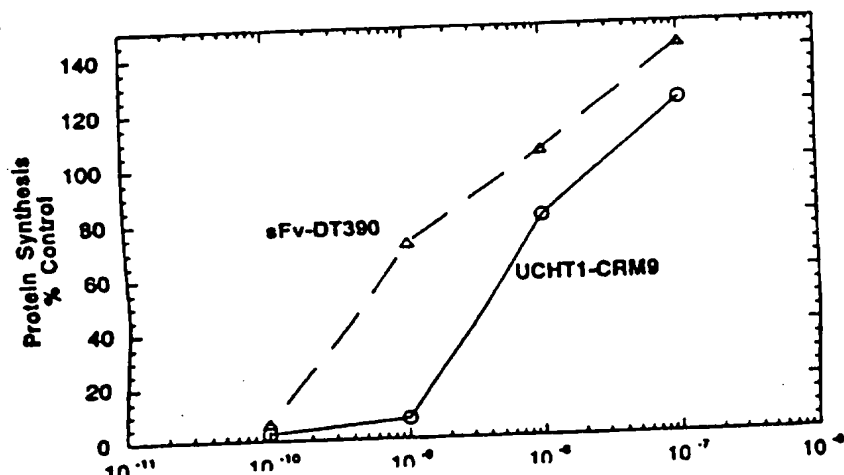
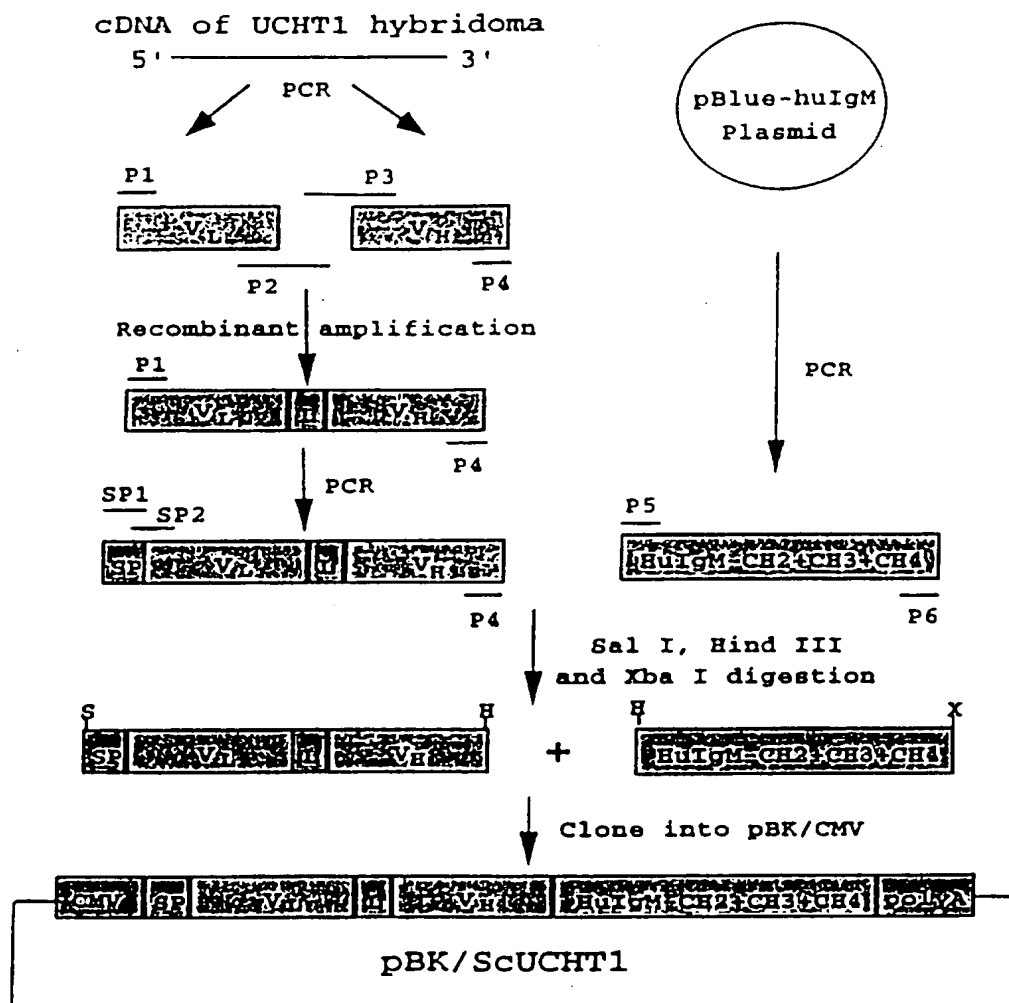


Fig. 3 B



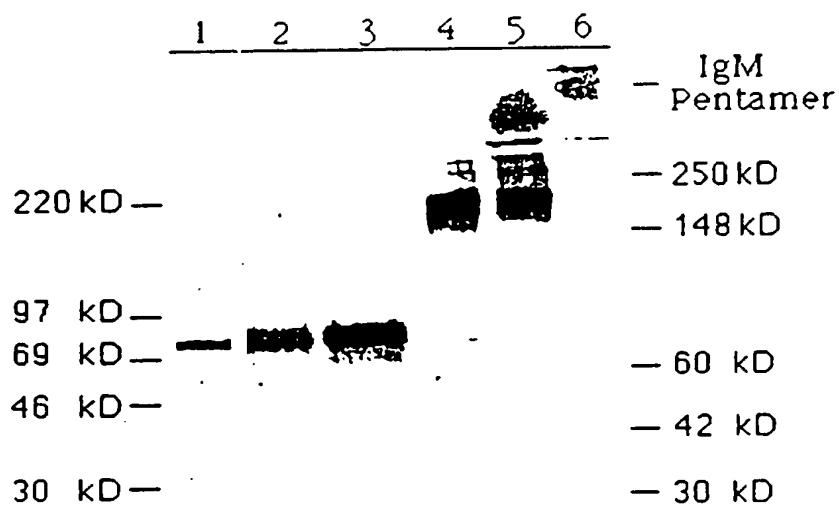
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Fig. 4



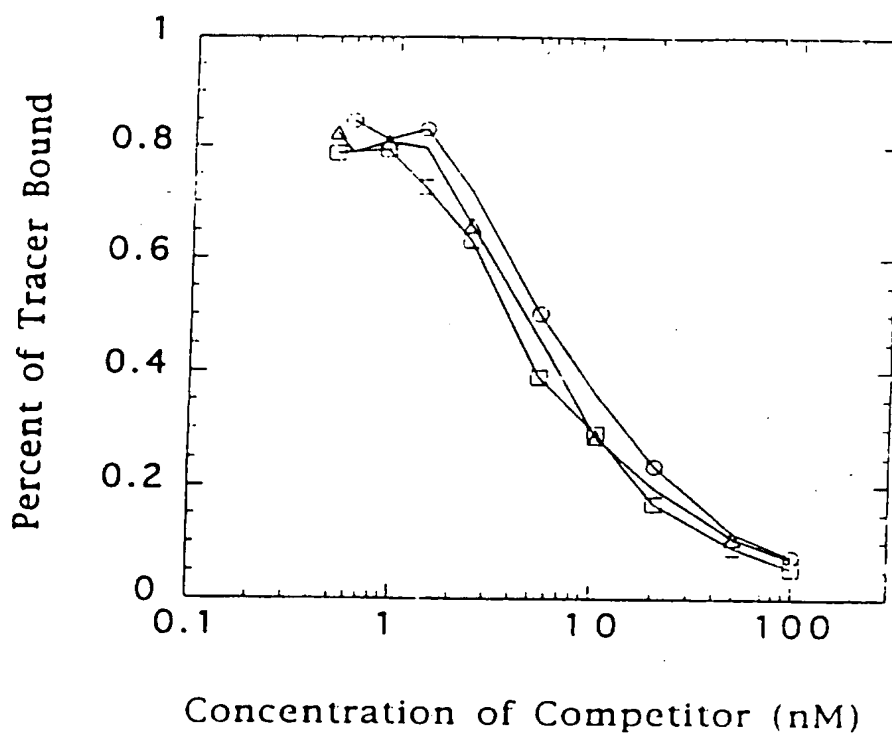
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Fig. 5



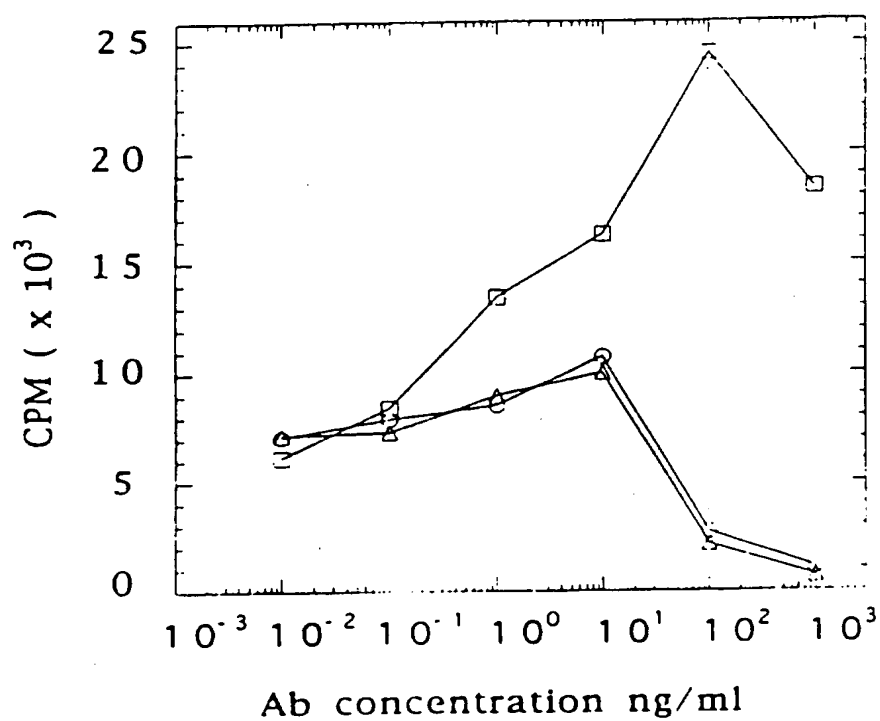
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Fig. 6



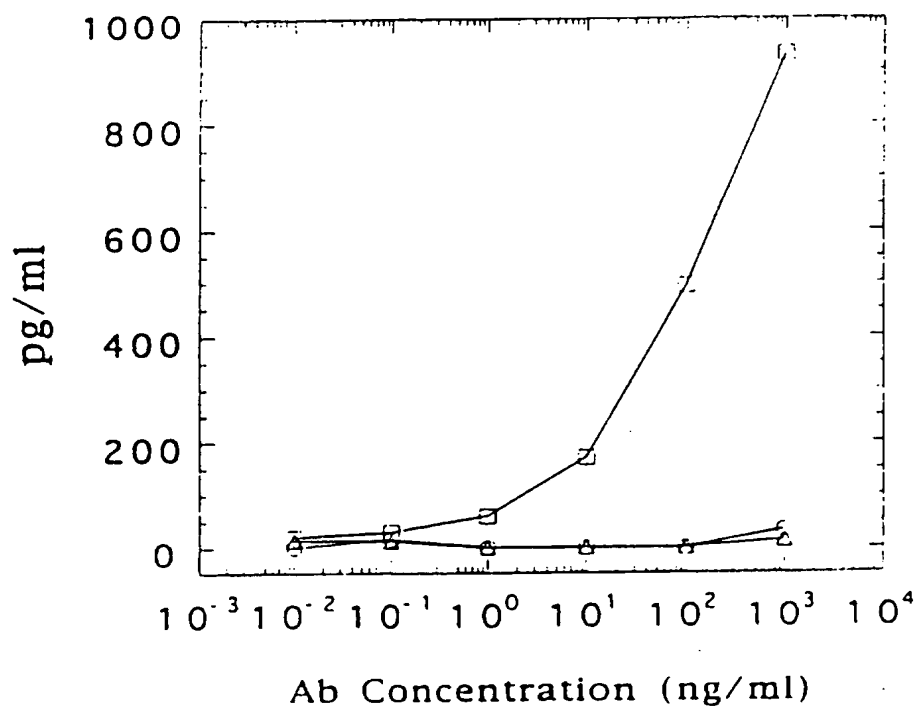
7/23

Fig. 7



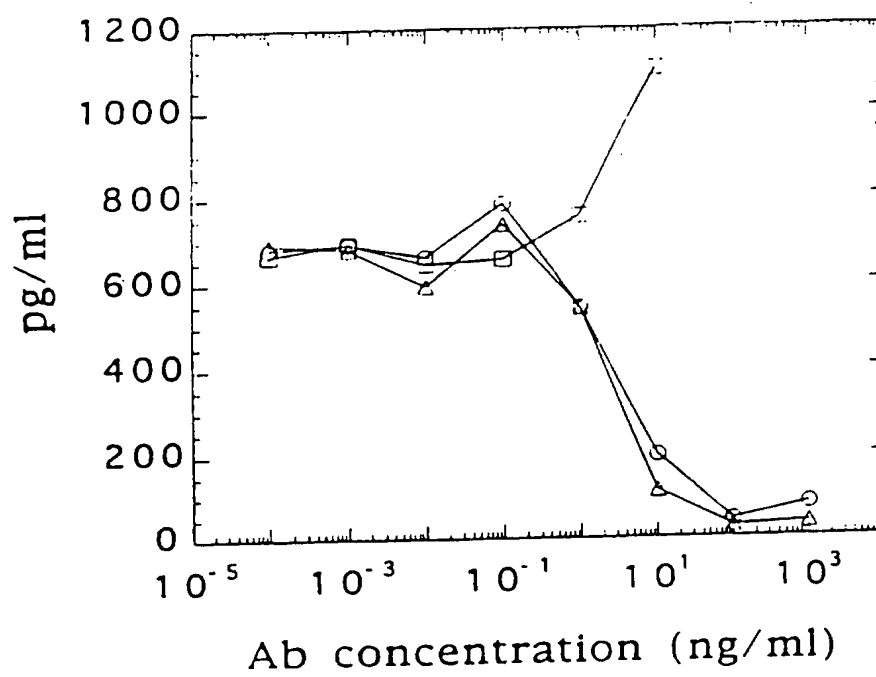
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Fig. 8A



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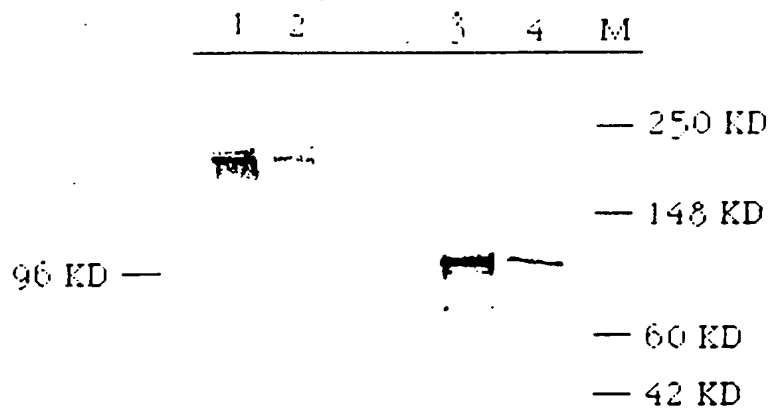
Fig. 8B



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Fig. 9

Western Blotting of anti-CD3 Bivalent DT390-scAb



1, 2. non-reduced condition.

2, 4. reduced condition

1, 3 and 2, 4 are two samples

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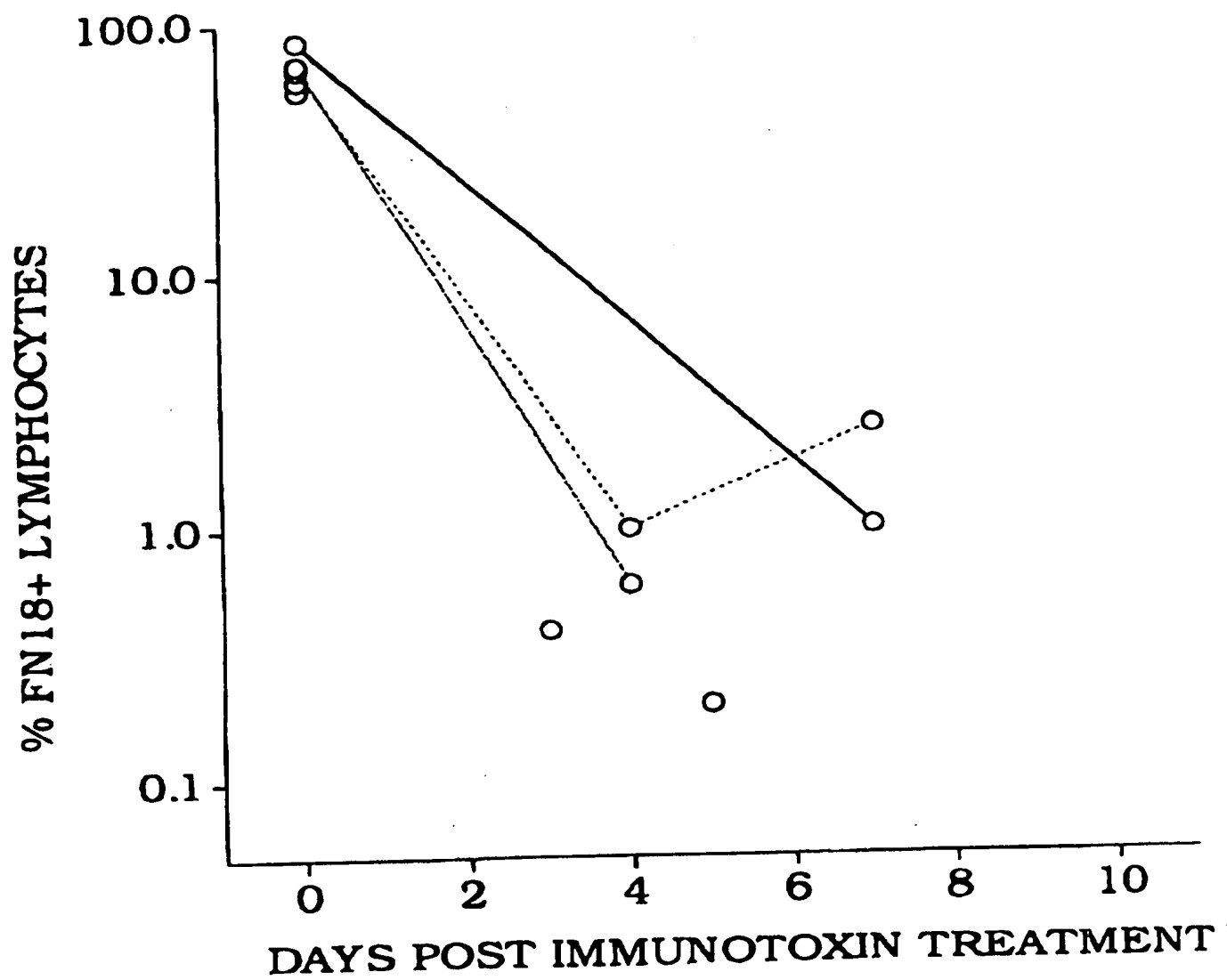


Fig. 10

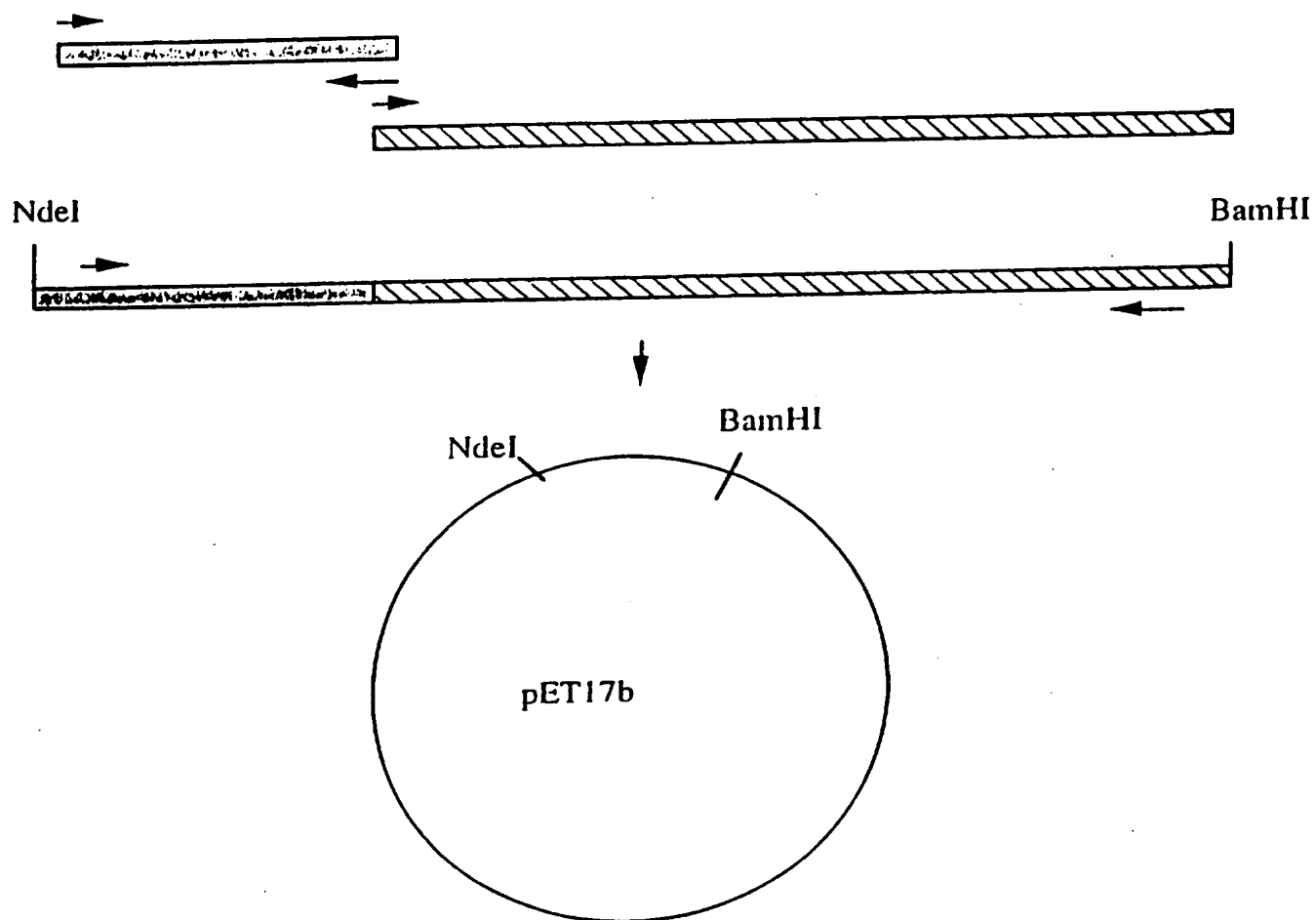


Fig. 11

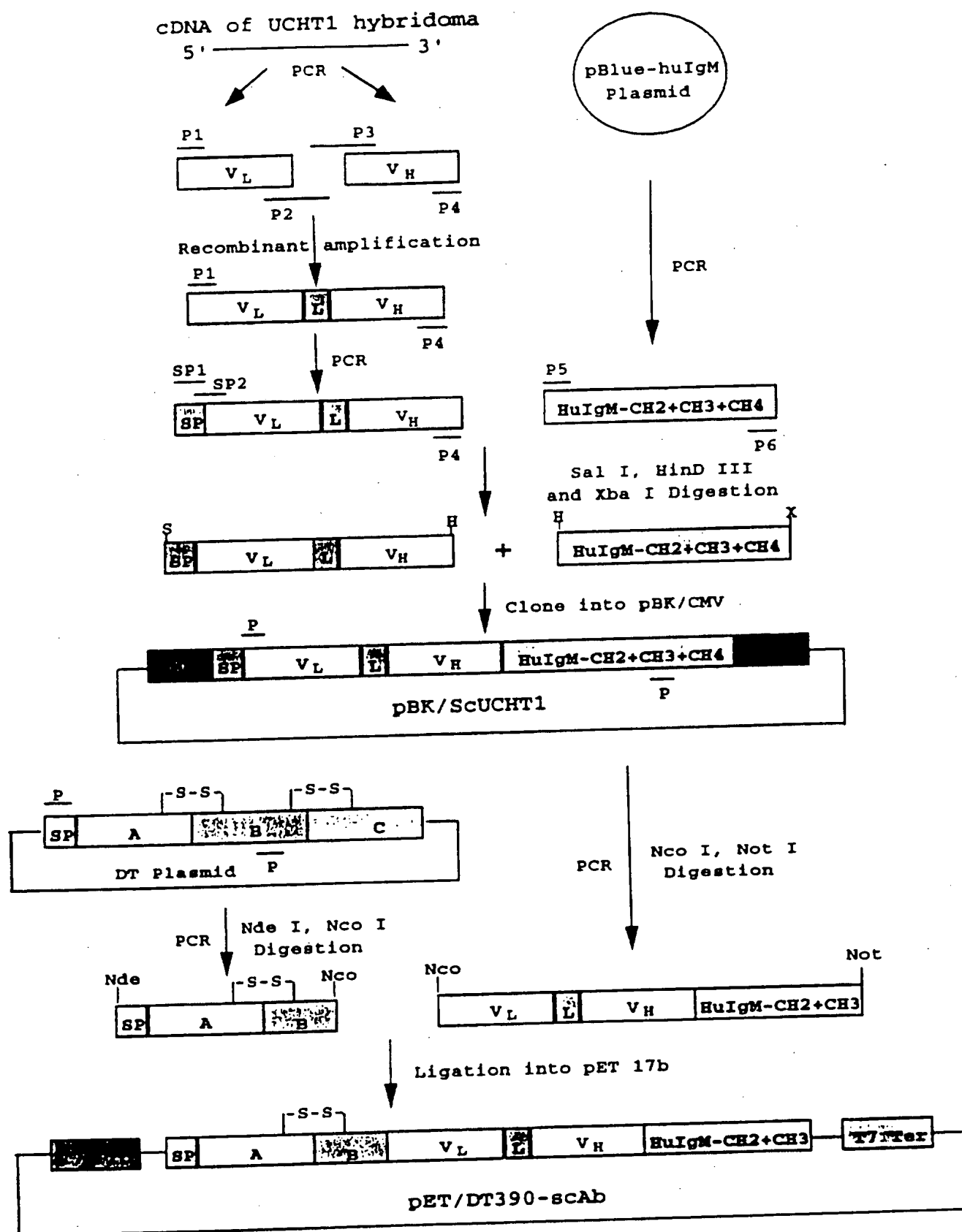


Fig. 12

Change orientation of scAb and DT390

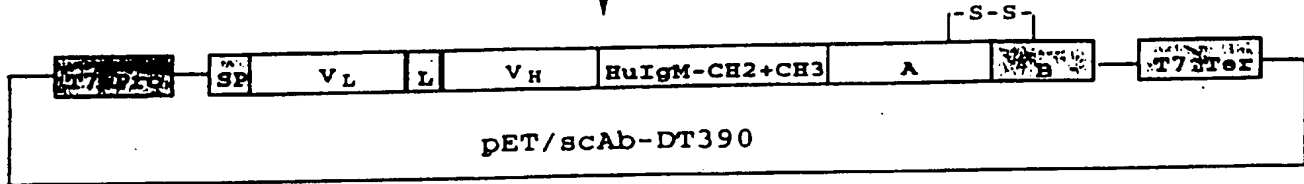
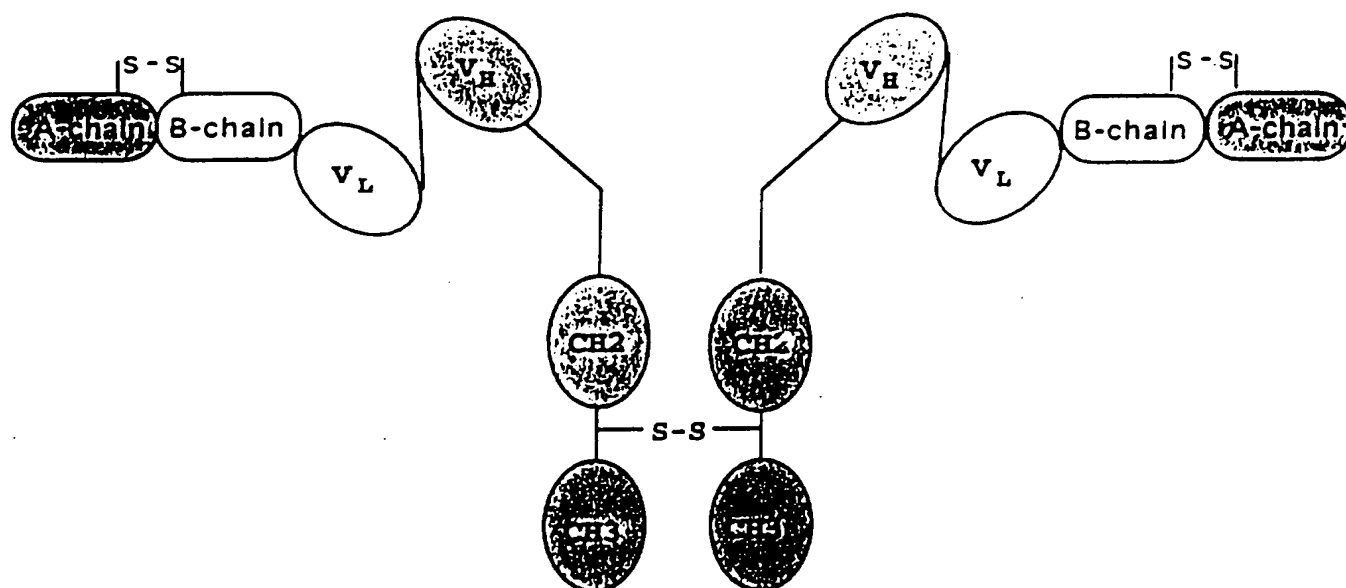
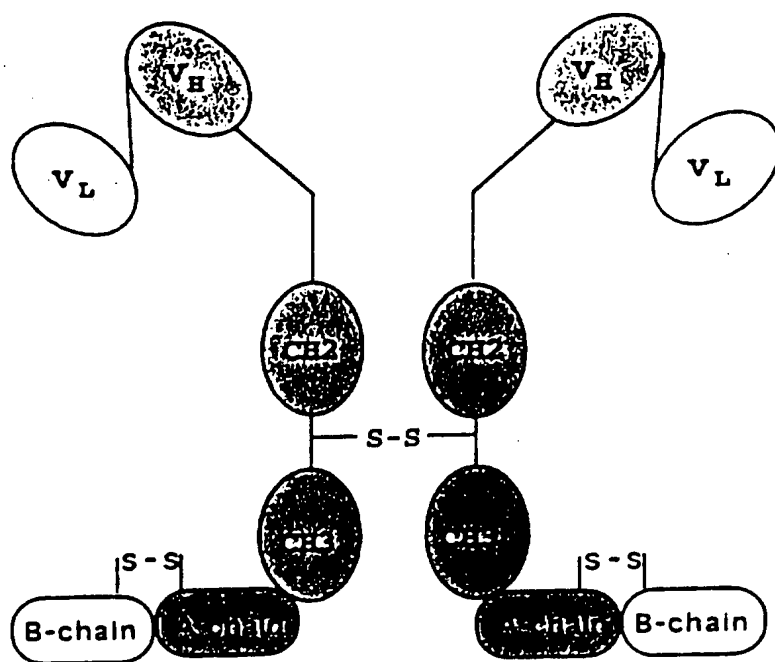


Fig. 13



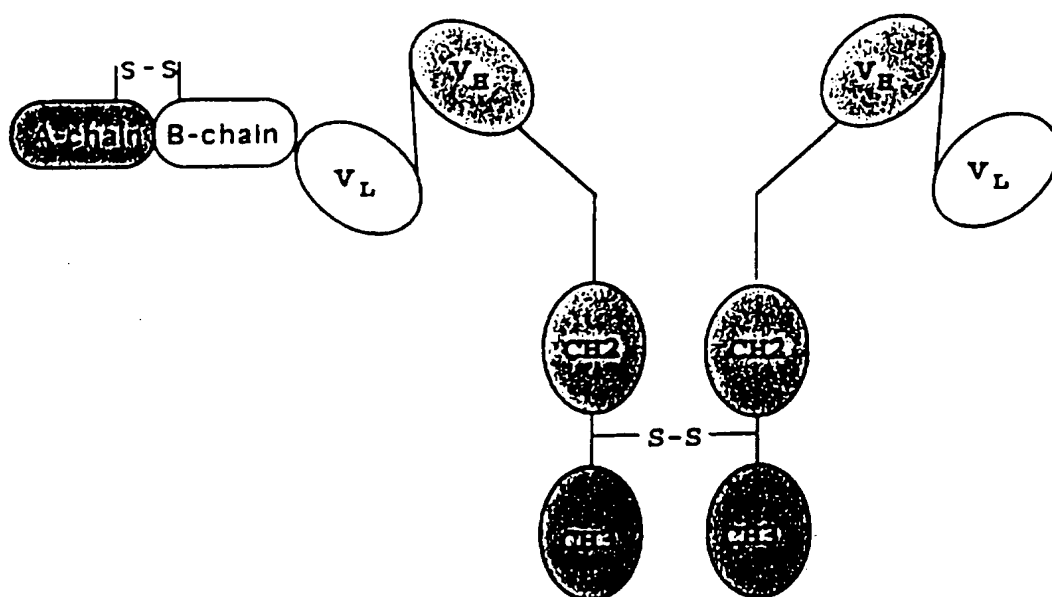
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Fig. 14



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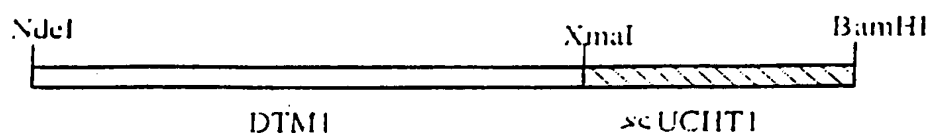
Fig. 15



Generating the conjugates of DTMT with UCHT1

Fig. 16

1. Full-length DTMT-scUCHT1



3 483 DTMT-scUCHT1

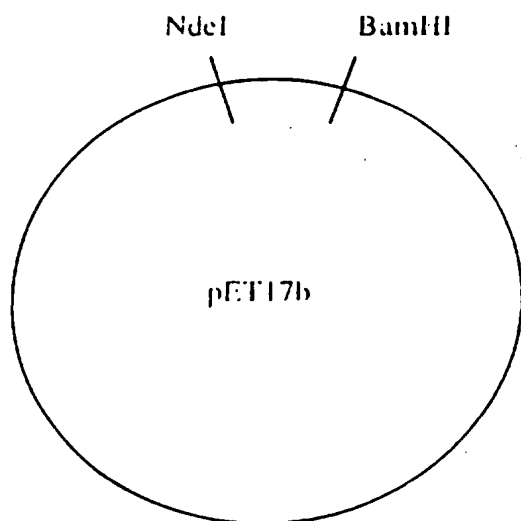
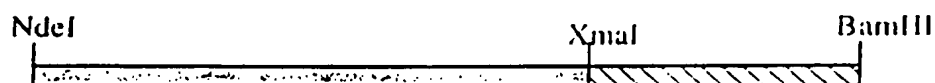


Fig. 17

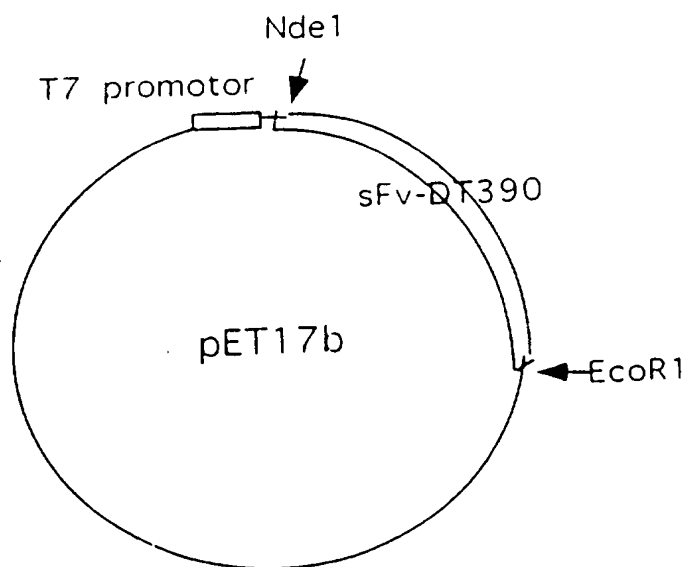
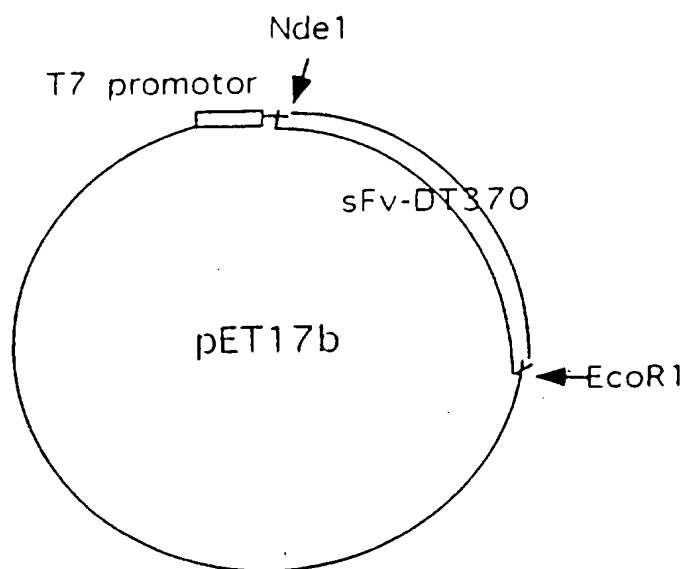


Fig. 18



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Fig. 19A

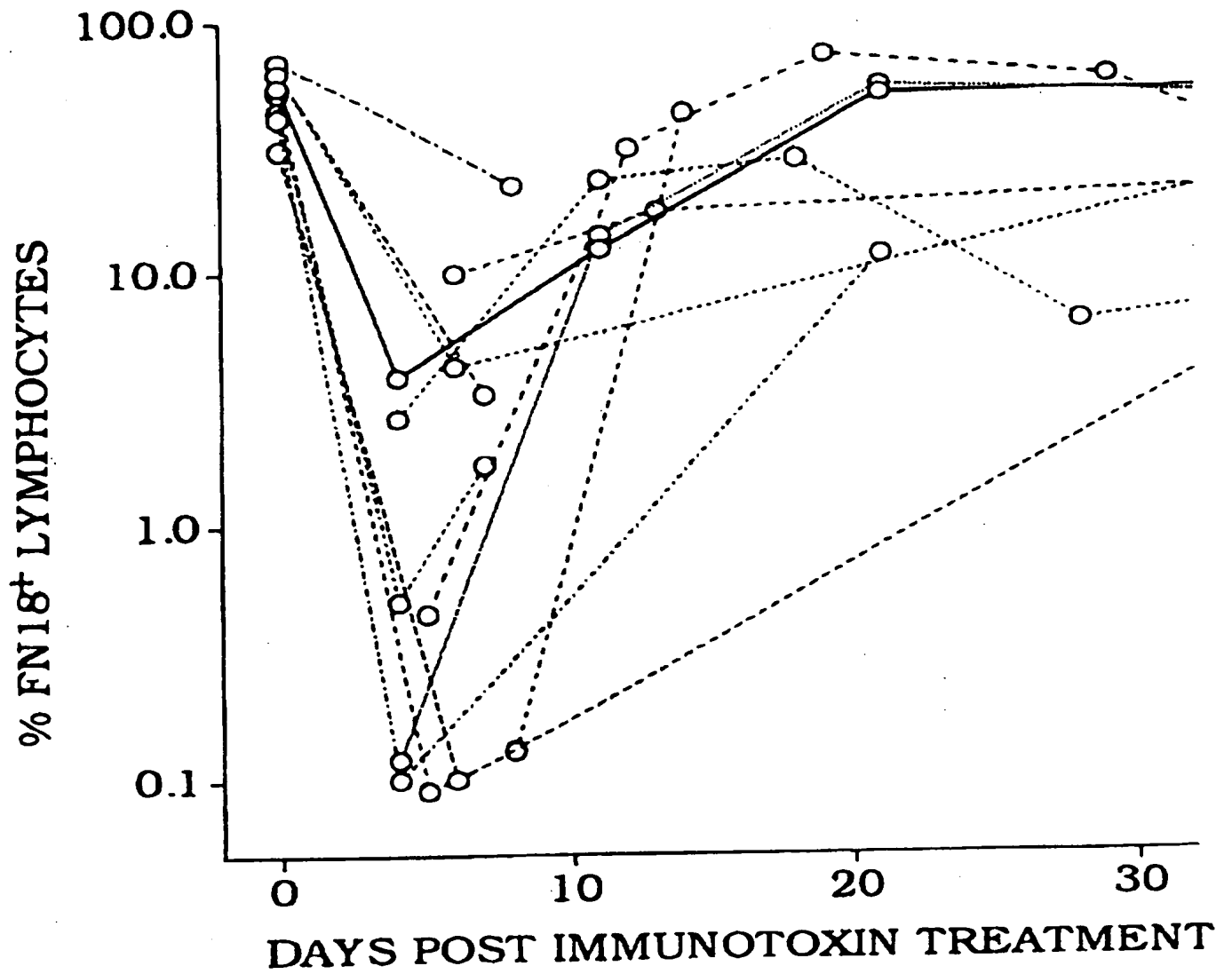
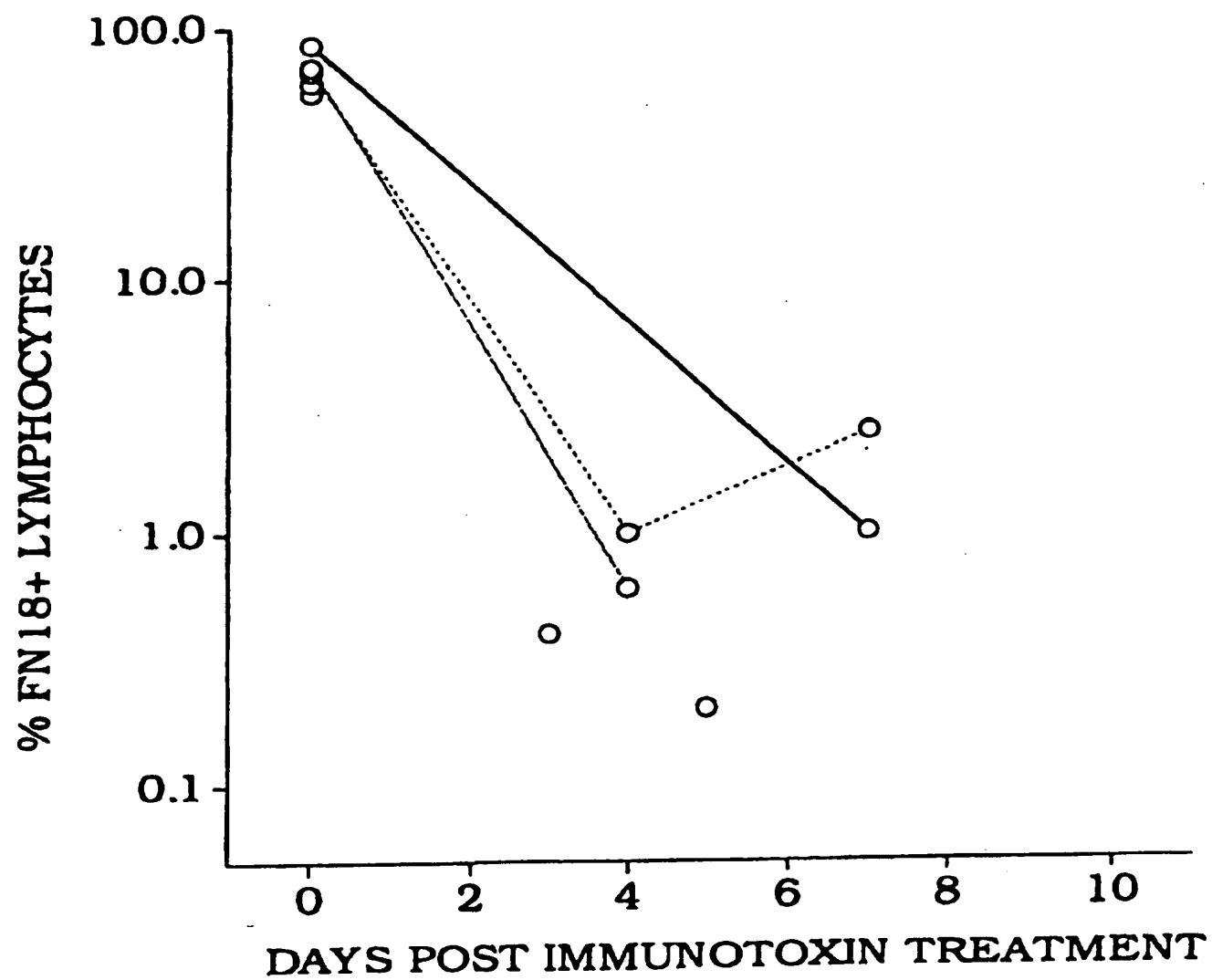


Fig. 19B

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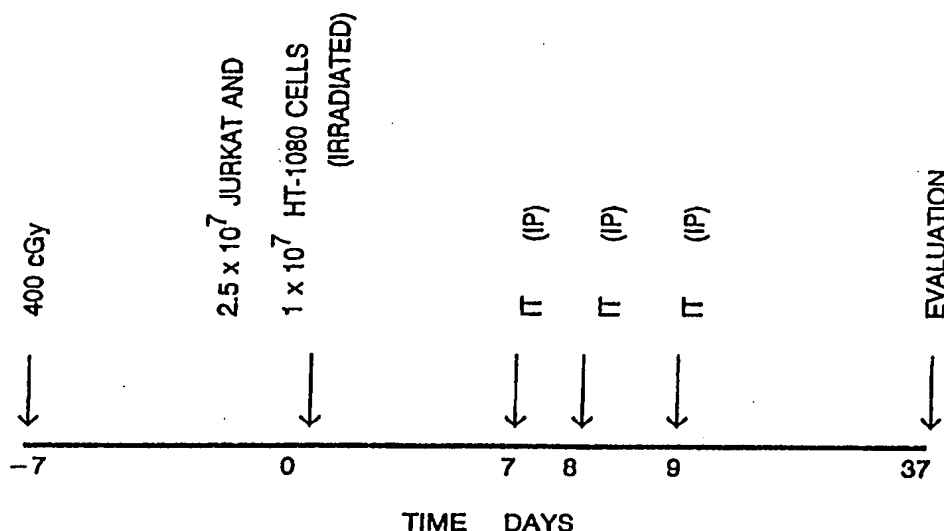




INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

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			(43) International Publication Date: 17 October 1996 (17.10.96)
(21) International Application Number: PCT/US96/05087		(72) Inventors; and	
(22) International Filing Date: 12 April 1996 (12.04.96)		(75) Inventors/Applicants (for US only): NEVILLE, David, A. [US/US]; 9624 Parkwood Drive, Bethesda, MD 20814 (US). SCHARFF, Joshua, E. [US/US]; 4600 Harlan Street, Rockville, MD 20853 (US). THOMAS, Judith [US/US]; 2117 Brook Highland Ridge, Birmingham, AL 35242 (US).	
(30) Priority Data: 08/422,100 14 April 1995 (14.04.95) US 60/088,104 30 October 1995 (30.10.95) US		(74) Agents: NEEDLE, William, H. et al.; Needle & Rosenberg, Suite 1200, 127 Peachtree Street, N.E., Atlanta, GA 30303-1811 (US).	
(60) Parent Applications or Grants (63) Related by Continuation US 08/422,100 (CIP) Filed on 14 April 1995 (14.04.95) US 60/088,104 (CIP) Filed on 30 October 1995 (30.10.95)		(81) Designated States: AL, AM, AT, AU, AZ, BB, BG, BR, BY, CA, CH, CN, CZ, DE, DK, EE, ES, FI, GB, GE, HU, IS, JP, KE, KG, KP, KR, KZ, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, TJ, TM, TR, TT, UA, UG, US, UZ, VN, ARIPO patent (KE, LS, MW, SD, SZ, UG), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, ML, MR, NE, SN, TD, TG).	
(71) Applicants (for all designated States except US): THE GOVERNMENT OF THE UNITED STATES OF AMERICA, represented by THE SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES [US/US]; National Institutes of Health, Office of Technology Transfer, Box OTT, Bethesda, MD 20892-9902 (US). UNIVERSITY OF ALABAMA RESEARCH FOUNDATION [US/US]; Suite 1120-G, 701 South 20th Street, Birmingham, AL 35294-0111 (US).		Published With international search report. Before the expiration of the time limit for amending the claims and to be republished in the event of the receipt of amendments.	
(71)(72) Applicant and Inventor: KNECHTLE, Stuart, J. [US/US]; 2268 Caine Road, Oregon, WI 53575 (US).		(88) Date of publication of the international search report: 9 January 1997 (09.01.97)	

(54) Title: METHODS OF INDUCING IMMUNE TOLERANCE USING IMMUNOTOXINS



(57) Abstract

Provided is a method of treating an immune system disorder not involving T-cell proliferation, comprising administering to the animal an immunotoxin comprising a mutant diphtheria toxin moiety linked to an antibody moiety which routes by the anti-CD3 pathway, or derivatives thereof under conditions such that the disorder is treated. Thus, the present method can treat graft-versus-host disease. Also provided is a method of inhibiting a rejection response by inducing immune tolerance in a recipient to a foreign mammalian donor tissue or cells, comprising the steps of: a) exposing the recipient to an immunotoxin so as to reduce the recipients' peripheral blood T-cell lymphocyte population by at least 80 %, wherein the immunotoxin is anti-CD3 antibody linked to a diphtheria protein toxin, wherein the protein has a binding site mutation; and b) transplanting the donor cells into the recipient, whereby a rejection response by the recipient to the donor organ cell is inhibited, and the host is tolerized to the donor cell.

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INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 96/05087

A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 A61K47/48 A61K35/14 A61K35/12 A61K31/57 A61K31/365
A61K38/13 A61K39/05 //C07K16/28

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	JOURNAL OF CONTROLLED RELEASE, vol. 24, no. 1-3, 1993, AMSTERDAM, THE NETHERLANDS, pages 133-144, XP000303922 D. NEVILLE ET AL.: "Anti-T cell immunotoxins: a look at post-endocytotic receptor-mediated routing." cited in the application see page 142, right-hand column, line 4 - line 14 --- -/--	1-7, 17-20

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

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Date of the actual completion of the international search

30 August 1996

Date of mailing of the international search report

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INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 96/05087

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF THE USA, vol. 89, no. 7, 1 April 1992, WASHINGTON, DC, USA, pages 2585-2589, XP002012195 D. NEVILLE ET AL.: "In vivo T-cell ablation by a holo-immunotoxin directed at human CD3." cited in the application see abstract	1-7
A	--- THE JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 264, no. 25, 5 September 1989, BALTIMORE, MD, USA, pages 14653-14661, XP002012196 D. NEVILLE ET AL.: "Enhancement of immunotoxin efficacy by acid-cleavable cross-linking agents utilizing diphtheria toxin and toxin mutants." cited in the application see abstract see figure 5 see table II	1-7
A	--- WO 92 13562 A (THE SECRETARY, US DEPT. OF COMMERCE) 20 August 1992 see examples see claims	1-7
A	--- WO 84 00382 A (THE SECRETARY, US DEPT. OF COMMERCE) 2 February 1984 see the whole document	1-7, 17-20,23
A	--- EP 0 616 034 A (AMERICAN CYANAMID COMPANY) 21 September 1994 see the whole document	24,25
A	--- TRANSPLANTATION PROCEEDINGS, vol. 25, no. 1, February 1993, NEW YORK, NY, USA, pages 756-757, XP000579774 D. HULLETT ET AL.: "DAB486-IL-2 (IL-2-toxin) in combination with low dose RS-61443 (mycophenolate mofetil) prolongs murine thyroid allograft survival." see the whole document --- -/--	1,11,13, 17

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 96/05087

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,X	THE JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 270, no. 47, 24 November 1995, BALTIMORE, MD, USA, pages 28037-28041, XP002012197 J. THOMPSON ET AL.: "An anti-CD3 single-chain immunotoxin with a truncated diphtheria toxin avoids inhibition by pre-existing antibodies in human blood." see the whole document ---	1-7, 17-20, 22-25
P,X	JOURNAL OF IMMUNOTHERAPY, vol. 19, no. 2, March 1996, HAGERSTOWN, MD, USA, pages 85-92, XP002012198 D. NEVILLE ET AL.: "A new reagent for the induction of T-cell depletion, anti-CD3-CRM9." see abstract -----	1-7, 17-20

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 96/ 05087

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 1-27
because they relate to subject matter not required to be searched by this Authority, namely:
Remark: Although claims 1-27 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 96/05087

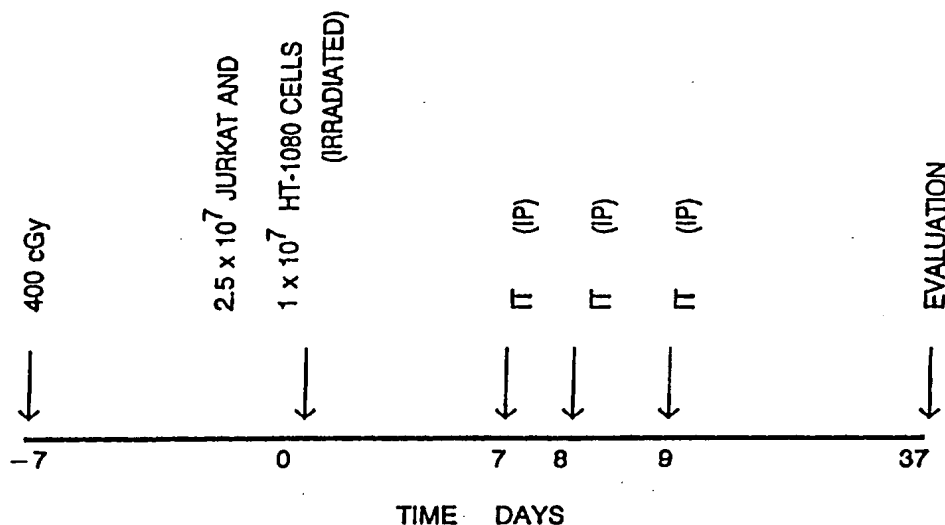
Patent document cited in search report	Publication date	Patent family member(s)	Publication date
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INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification ⁶ : A61K 47/48, 35/14, 35/12, 31/57, 31/365, 38/13, 39/05 // C07K 16/28		A3	(11) International Publication Number: WO 96/32137
			(43) International Publication Date: 17 October 1996 (17.10.96)
(21) International Application Number: PCT/US96/05087		(72) Inventors; and	
(22) International Filing Date: 12 April 1996 (12.04.96)		(75) Inventors/Applicants (for US only): NEVILLE, David, A. [US/US]; 9624 Parkwood Drive, Bethesda, MD 20814 (US). SCHARFF, Joshua, E. [US/US]; 4600 Harlan Street, Rockville, MD 20853 (US). THOMAS, Judith [US/US]; 2117 Brook Highland Ridge, Birmingham, AL 35242 (US).	
(30) Priority Data: 08/422,100 14 April 1995 (14.04.95) US 60/088,104 30 October 1995 (30.10.95) US		(74) Agents: NEEDLE, William, H. et al.; Needle & Rosenberg, Suite 1200, 127 Peachtree Street, N.E., Atlanta, GA 30303-1811 (US).	
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(71) Applicants (for all designated States except US): THE GOVERNMENT OF THE UNITED STATES OF AMERICA, represented by THE SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES [US/US]; National Institutes of Health, Office of Technology Transfer, Box OTT, Bethesda, MD 20892-9902 (US). UNIVERSITY OF ALABAMA RESEARCH FOUNDATION [US/US]; Suite 1120-G, 701 South 20th Street, Birmingham, AL 35294-0111 (US).		Published With international search report. With amended claims.	
(71)(72) Applicant and Inventor: KNECHTLE, Stuart, J. [US/US]; 2268 Caine Road, Oregon, WI 53575 (US).		(88) Date of publication of the international search report: 9 January 1997 (09.01.97)	
		Date of publication of the amended claims: 20 February 1997 (20.02.97)	

(54) Title: METHODS OF INDUCING IMMUNE TOLERANCE USING IMMUNOTOXINS



(57) Abstract

Provided is a method of treating an immune system disorder not involving T-cell proliferation, comprising administering to the animal an immunotoxin comprising a mutant diphtheria toxin moiety linked to an antibody moiety which routes by the anti-CD3 pathway, or derivatives thereof under conditions such that the disorder is treated. Thus, the present method can treat graft-versus-host disease. Also provided is a method of inhibiting a rejection response by inducing immune tolerance in a recipient to a foreign mammalian donor tissue or cells, comprising the steps of: a) exposing the recipient to an immunotoxin so as to reduce the recipients' peripheral blood T-cell lymphocyte population by at least 80 %, wherein the immunotoxin is anti-CD3 antibody linked to a diphtheria protein toxin, wherein the protein has a binding site mutation; and b) transplanting the donor cells into the recipient, whereby a rejection response by the recipient to the donor organ cell is inhibited, and the host is tolerized to the donor cell.

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AMENDED CLAIMS

[received by the International Bureau on 22 January 1997 (22.01.97);
new claims 28-38 added; remaining claims unchanged (5 pages)]

1. A method of inhibiting a rejection response by inducing immune tolerance in a recipient to foreign mammalian donor cells, comprising the steps of:
 - a) exposing the recipient to an immunotoxin so as to safely reduce the recipients's T-cell lymphocyte population by at least 80%, wherein the immunotoxin is anti-CD3 antibody linked to a diphtheria protein toxin, wherein the protein has a binding site mutation that reduces binding; and
 - b) transplanting the donor cells into the recipient, such that a rejection response by the recipient to the donor organ cell is inhibited.
2. The method of claim 1, wherein the donor cells constitute an organ.
3. The method of claim 1, wherein the donor cells constitute tissue from an organ.
4. The method of claim 1, wherein the donor cells are allogeneic.
5. The method of claim 1, wherein the donor cells are xenogeneic.
6. The method of claim 1, wherein the exposure step reduces the recipient's T-lymphocyte population by at least 95%.
7. The method of claim 1, wherein the immunotoxin is anti-CD3-CRM9.
8. The method of claim 1, further comprising

administering to the thymus gland a thymic apoptosis signal.

9. The method of claim 1, wherein the thymic apoptosis signal comprises a corticosteroid.

10. The method of claim 1, further comprising thymic injection of lymphocytes having MHC antigen of the same haplotype as the MHC of the donor cell.

11. The method of claim 1, further comprising administering an immunosuppressant compound.

12. The method of claim 11, wherein the immunosuppressant compound is cyclosporin.

13. The method of claim 11, wherein the immunosuppressant compound is mycophenolate mofetil.

14. The method of claim 8, further comprising administering an immunosuppressant compound.

15. The method of claim 14, wherein the immunosuppressant compound is cyclosporin.

16. The method of claim 14, wherein the immunosuppressant compound is mycophenolate mofetil.

17. The method of claim 1, wherein the donor organ cell is from a live donor, and wherein the immunotoxin is administered from 15 hours to 7 days before the transplanting step.

18. The method of claim 1, wherein the donor organ cell is from a cadaver and is from kidney, and

wherein the immunotoxin is administered from 6 to 15 hours before the transplanting step.

19. The method of claim 1, wherein the donor organ cell is from a cadaver and is selected from the group consisting of heart, lung, liver, pancreas, pancreatic islets and intestine, and wherein the immunotoxin is administered from 0 to 6 hours before the transplanting step.

20. The method of claim 1, further comprising administering donor bone marrow at the same time, or after, the exposure step.

21. The method of claim 8, wherein the thymic apoptosis signal comprises lymphoid irradiation.

22. The method of claim 1, wherein the immunotoxin comprises a mutant diphtheria toxin moiety linked to a single chain variable region antibody which routes by the anti-CD3 pathway, or derivatives thereof.

23. The method of claim 1, wherein the immunotoxin is scUCHT1-DT390.

24. The method of claim 1, further comprising administering a non-toxic mutant of diphtheria toxin before, or at the same time as the exposure step.

25. The method of claim 24, wherein the non-toxic mutant of diphtheria toxin is CRM197.

26. The method of claim 1, wherein the immunotoxin is an anti-V β -CRM9.

27. The method of claim 4, wherein the immunotoxin is an anti-V"-CRM9.

28. An immunotoxin for use in the manufacture of a medicament for the treatment of organ rejection in a transplant recipient.

29. The immunotoxin of claim 28, wherein the immunotoxin comprises an anti-CD3 antibody linked to a diphtheria protein toxin, wherein the protein has a binding site mutation that reduces binding.

30. The immunotoxin of claim 29, wherein the immunotoxin comprises a mutant diphtheria toxin moiety linked to a single chain variable region antibody which routes by the anti-CD3 pathway, or derivatives thereof.

31. The immunotoxin of claim 30, wherein the immunotoxin is scUCHT1-DT390.

32. The immunotoxin of claim 30, wherein the immunotoxin is an anti-V β -CRM9.

33. The immunotoxin of claim 30, wherein the immunotoxin is an anti-V α -CRM9.

34. An immunotoxin, wherein the immunotoxin comprises a mutant diphtheria toxin moiety linked to a single chain variable region antibody which routes by the anti-CD3 pathway, or derivatives thereof.

35. The immunotoxin of claim 34, wherein the diphtheria toxin moiety has a binding site mutation that reduces binding.

36. The immunotoxin of claim 34, wherein the immunotoxin is scUCHT1-DT390.

37. The immunotoxin of claim 34, wherein the immunotoxin is an anti-V β -CRM9.

38. The immunotoxin of claim 34, wherein the immunotoxin is an anti-V α -CRM9.